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## Juristenausbildung in Osteuropa bis zum Ersten Weltkrieg

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## Legal education in Croatia from medieval times to 1918: institutions, courses of study and transfers

I. Introduction – II. Review of literature – III. Historical framework from medieval times to the present day – IV. Legal education in the Croatian regions from the Middle Ages to the 19<sup>th</sup> century – V. Political-Cameral School in Varaždin and Zagreb 1769–1776 – VI. The Royal Academy of Sciences in Zagreb and the Faculty of Law 1776–1850 – 1. Foundation of the Royal Academy of Sciences – 2. Organisational stabilisation: the *Ratio educationis* of 1777 and 1806 – 3. Teaching subjects – 4. Professors and students – VII. The Royal Legal Academy and attempts to establish a university – 1. Foundation of the Academy of Legal Science – 2. Attempts to establish a university in 1861 and the reconstitution of the Academy of Legal Science in 1868 – VIII. The University of Zagreb and the Faculty of Law 1874–1918 – 1. Organisational framework and professors – 2. Curriculum and chairs – Teaching subjects – 4. Students and exams – IX. Conclusion

### I Introduction

Any analysis of the development of modern legal education in Croatia up to 1918 has to concentrate on the Faculty of Law in Zagreb (founded in 1767) and on its predecessor: the Political-Cameral School in Varaždin and in Zagreb (1767–1776). Those were the only stable institutions of legal education in the Croatian regions at that time. However, an understanding of Croatian legal education would be hardly possible without knowing the ways in which legal knowledge had been transferred in earlier periods. Cultural layers, constituted throughout the Middle Ages, have determined the formation of legal culture in Croatia during the 19<sup>th</sup> and early 20<sup>th</sup> centuries, a process that was partly connected with Croatian nation-building.

Apart from Croatia-Slavonia, an autonomous land in the union with Hungary and the core of the modern Croatian national movement, the process of nation-building involved the other Croatian regions too. That refers particularly to Dalmatia, the coastal region politically separated from Croatia-Slavonia. In 1813, the territory of the former medieval Republic of Ragusa (Dubrovnik) – officially abolished by the French authorities in 1808 – was integrated into the Austrian province of Dalmatia and remained part of it

till the end of the Monarchy. Cultural traditions of Dalmatia and Dubrovnik played an important role in the process of shaping Croatian national identity, including its legal culture.

For the above-mentioned reasons this article will concentrate on the development of legal education in Zagreb and Varaždin from 1767 to 1918, but first the development in medieval Croatia-Slavonia, Dalmatia, and in the Republic of Ragusa shall be examined as well.

In what follows I would like to present first an overview of the published research. Then the Croatian territorial and political framework from the medieval period to the present shall be briefly reconstructed. This will help us to contextualize the subject-matter of the article.

## II Review of literature

The history of legal education in Croatia has been explored since the second half of the 19<sup>th</sup> century. Although some important chapters remain unwritten – particularly regarding the medieval period – previous research nevertheless offers a basis for any further inquiry. It is still worth consulting Cuvaj's extensive collection of source material on the overall development of the education system in Croatia-Slavonia, including high school education, from its medieval beginnings to 1910, i. e. to the time that work was written.<sup>1</sup>

Research on legal education in medieval Croatia is characterized by two tendencies. On the one hand, students and professors at foreign universities originating from Croatian regions have been regarded as transfer channels of legal knowledge to their homeland.<sup>2</sup> On the other hand, there are efforts to reconstruct elements of legal education and their role in the Croatian regions. In this regard, a basic work on the *studium generale* in Zadar, including legal courses, has recently been published,<sup>3</sup> while the literature on the short-lived

law school and on legal education in Dubrovnik from the 15<sup>th</sup> century to 1808 offers a general orientation on that topic.<sup>4</sup> However, only few data exist about other centres in the Croatian regions during medieval times. Very little is known about private law schools in Zagreb at the turn of the 16<sup>th</sup> to the 17<sup>th</sup> century, while the teaching of canon law at Zagreb cathedral school (established around 1304) and the study of theology at the *studium generale* in the Paulin monastery in Lepoglava have hardly been more than registered.<sup>5</sup> Published data about private libraries and legal books in private possessions are extremely rare even though there seems to be rich archival material.<sup>6</sup>

There are published studies on the organisation and activity of high-school institutions of legal education in the then Dalmatian capital of Zadar in the first half of the 19<sup>th</sup> century, i. e. during the periods of the French (1805–1813) and Austrian rule over Dalmatia (1813–1918).<sup>7</sup> However, elements of legal education that appeared in some other Dalmatian towns during the same period have been only marginally noticed.<sup>8</sup>

The situation is much better with the history of the Faculty of Law in Zagreb and its predecessors. Several fruitful inquiries have been published on the short-lived Political-Cameral School in Varaždin established in 1769, yet a lot still remains to be done.<sup>9</sup> However, the development of high-school

1 *Grada za povijest školstva kraljevina Hrvatske i Slavonije od najstarijih vremena do danas I–XI* [The Material for the History of Education in the Kingdoms of Croatia and Slavonia from the Earliest Times to the Present, Vols. I–XI], collected and edited by Antun Cuvaj, Zagreb 1910–1913.

2 See Dražen M. Grmek, *Hrvati i Sveučilište u Padovi* [Croats and the University in Padua], in: *Ljetopis Jugoslavenske akademije znanosti i umjetnosti* 62 Zagreb (1957); Stanko Andrić, *Studenti iz slavonsko-srijemskog međuriječja na zapadnim sveučilištima u srednjem vijeku (1250–1550)* [Students from Slavonia and Sirmium at Western Universities in the Middle Ages (1220–1550)], in: *Croatica Christiana Periodica* 20 (1996), pp. 117–152.

3 On the *studium generale* in Zadar see Stjepan Krasić, *Dominikansko opće učilište u Zadru (1396–1807). Prvo hrvatsko sveučilište* [Dominican General Study in Zadar (1396–1807). The First Croatian University], Zagreb 1996.

4 Antun Cvitanić, *Tradicija pravne nastave i pravne znanosti u Dalmaciji* [Tradition of Legal Education and Legal Science in Dalmatia], in: *Zbornik radova Pravnog fakulteta u Splitu* 17 (1980), pp. 61–67, here pp. 61–63; Nella Lonza, *Pod plaštem pravde* [Under the Veil of Justice], Dubrovnik 1997, pp. 29, 298–300; Žarko Muljačić, *Dubrovačka "Pravnička škola" (1794–1808)* [Dubrovnik's "Law School" (1794–1808)], in: *Beritićev zbornik*, Dubrovnik 1960, pp. 227–234.

5 On the legal schools mentioned, see below in chapter III.

6 I would like to express my gratitude to Dr. Nella Lonza from the History Institute of the Croatian Academy of Sciences and Arts in Dubrovnik for this and for other information and suggestions on the Croatian medieval tradition, particularly regarding the history of Dubrovnik.

7 Cvitanić, *Tradicija* (n. 4), pp. 61–67; Šime Peričić, *Pravni fakultet u Zadru za vrijeme francuske vladavine (1806–1813)* [The Faculty of Law in Zadar during the French Administration (1806–1813)], in: *Zadarska revija* 5 (1965), pp. 389–402.

8 The respective references see below, chapter III.

9 Varaždin (Lat. *Varasdinum*, Hung. *Varasd*, Germ. *Warasdin*) is a town in the north-west of Croatia, close to the boarder with Hungary. On the Political-Cameral School in Varaždin see Vladimir Bayer, *Političko-kameralni studij u Hrvatskoj u XVIII. stoljeću (1769–1776)* [Political-Cameral School in Croatia in the 18<sup>th</sup> Century (1769–1776)], in: *Zbornik Pravnog fakulteta u Zagrebu* 17 (1967), pp. 208–241; Mirko Androić et al., *Varaždin u XVIII. stoljeću i političko-kameralni studij 1769–1969* [Varaždin in the 18<sup>th</sup> Century and the Political-Cameral School], Zagreb – Varaždin 1972.

education in Zagreb since 1669, including the Faculty of Law established in 1776, has been the object of occasional research since the 19<sup>th</sup> century. Extensive inquiries and systemised data collections from the contemporary period can be found in memorial editions that have appeared since 1875 as part of the University's anniversaries. Such inquiries have been done by prominent historians and legal historians and there is no doubt that they will be of importance for future studies. The reconstruction of the broader historical context as well as the comparative dimension – both necessary for any research in Croatian history – usually constitute an integral part of these studies, which mainly have a pragmatic approach being limited to an examination of the University and to particular academic institutions.<sup>10</sup> Insofar as they deal with the system of high school education and with aspects of legal education in other Croatian regions, they offer valuable information on these issues as well. The same is true for memorial books of the Faculty of Law. Furthermore, articles on the history of the Faculty of Law in Zagreb can be found in several scientific journals and other editions.<sup>11</sup> Particularly important is an extensive seven-volume memorial edition which collected all previous research on the history of the Faculty of Law as well as all published biographies of lecturers (up to 1950) and their systematized bibliographies.<sup>12</sup>

- 10 The most important material can be found in the following memorial editions of the University of Zagreb: *Spomenica na svetčano otvaranje Kralj. Sveučilišta Franje Josipa I. u Zagrebu, prvoga hrvatskoga, dana 19. listopada 1874* [Memorial on the Ceremonial Opening of the Royal University of Franz Joseph I in Zagreb, the First Croatian University, on the day of 19 October 1874], Zagreb 1875; *Spomenica o 25-godišnjem postojanju Sveučilišta Franje Josipa I. u Zagrebu* [Memorial on the 25<sup>th</sup> Year of the University of Franz Joseph I in Zagreb], Zagreb 1900; *Sveučilište kraljevine Srba, Hrvata i Slovenaca u Zagrebu 1874–1924. Spomenica Akademičkog Senata* [The University of the Kingdom of Serbs, Croats and Slovenes in Zagreb 1874–1924. Memorial of the Academic Senate], Zagreb 1925; *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagrebu, I–II, ur. Jaroslav Šidak* [Memorial on the Celebration of the 300<sup>th</sup> Anniversary of the University of Zagreb, Vols. I–II, edited by Jaroslav Šidak], Zagreb 1969. See also Lelja Dobronić, *Zagrebačka akademija. Viskokoškolski studiji u Zagrebu 1633–1874* [The Zagreb Academy. High School Studies in Zagreb 1633–1874], Zagreb 2004.
- 11 Such articles mostly appeared in the bi-monthly journal *Zbornik Pravnog fakulteta u Zagrebu* [Collected papers of the Faculty of Law in Zagreb] but also in other editions.
- 12 All volumes are edited by Željko Pavić: *Pravni fakultet u Zagrebu, knj. 1; Prilozi za povijest Fakulteta* [Faculty of Law in Zagreb, Part I; Contributions to the History of the Faculty], Zagreb 1996; *Pravni fakultet u Zagrebu, knj. 2, Prilozi za povijest katedri i biblioteke Fakulteta* [Faculty of Law in Zagreb, Part II; Contributions to the History of the Chairs and the Library of the Faculty], Zagreb 1996; *Pravni fakultet u Zagrebu, knj. 3, Nastavnici Fakul-*

The respective archival sources concerning the Faculty of Law can be found in two integral archival collections kept at the Croatian State Archives in Zagreb, but sometimes it is necessary to consult various government collections as well.<sup>13</sup>

The history of legal education in Croatia has also been examined in various works dealing with Croatian medieval culture in general. Thus, relevant information has to be looked for also in works dealing with the history of the Catholic Church in Croatia as well as in historical works on more important Croatian cultural centres.

In the following I shall give a short review of the Croatian territorial and political framework from the medieval period to the present.

### III Historical framework from medieval times to the present day

Croatian medieval statehood appeared in the 9<sup>th</sup> century and developed from earlier principalities under direct Frankish or Byzantine sovereignty. A growing level of independence was reached in the establishment of the

*teta, Sv. 1: 1776–1874* [Faculty of Law in Zagreb, Part III; Lecturers of the Faculty, Vol. I: 1776–1874], Zagreb 1996; *Pravni fakultet u Zagrebu, knj. 3, Nastavnici Fakulteta, Sv. 2: 1874–1926* [Faculty of Law in Zagreb, Part III; Lecturers of the Faculty; Vol. II: 1874–1926], Zagreb 1997; *Pravni fakultet u Zagrebu, knj. 3, Nastavnici Fakulteta, Sv. 3: 1926–1950* [Faculty of Law in Zagreb, Part III; Lecturers of the Faculty, Vol. III: 1926–1950], Zagreb 1998; *Pravni fakultet u Zagrebu, knj. 4; Grada za bibliografiju nastavnika Fakulteta, Sv. 1: 1776–1926* [Faculty of Law in Zagreb, Part IV; Materials for the Bibliography of the Lecturers of the Faculty, Vol. I: 1776–1926], Zagreb 1997; *Pravni fakultet u Zagrebu, knj. 4; Grada za bibliografiju nastavnika Fakulteta, Sv. 2: 1926–1950* [Faculty of Law in Zagreb, Part IV; Materials for the Bibliography of the Lecturers of the Faculty, Vol. 2: 1926–1950], Zagreb 1999. The new contributions can also be found in *Pravni fakultet u Zagrebu/Faculty of Law, University of Zagreb*, edited by Davor Krapac et al., Zagreb 2001. For recent reviews see: Dalibor Čepulo, *Razvoj pravne izobrazbe i pravne znanosti u Hrvatskoj do 1776 godine i Pravni fakultet u Zagrebu od osnivanja 1776 do 1918 godine* [Development of Legal Education in Croatia to 1776 and the Faculty of Law in Zagreb from the Foundation in 1776 to 1918], in: *Pravni fakultet u Zagrebu, knj. 1; Prilozi za povijest Fakulteta* (n. 12), pp. 51–93; and also Dalibor Čepulo, *Pravni fakultet u Zagrebu od 1776 do 1918* [The Faculty of Law in Zagreb from 1776 to 1918], in: *Pravni fakultet u Zagrebu/Faculty of Law, University of Zagreb* (n. 12), pp. 15–110. Fragments of these works were directly used in this article.

- 13 Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija [Royal Academy of Sciences. Academy of Legal Sciences]; Croatian State Archives, Zagreb, *Pravni fakultet Sveučilišta u Zagrebu* [Faculty of Law of the University of Zagreb].

Croatian Kingdom in 925. It ceased to exist as an independent entity in 1102 when the Hungarian Arpád dynasty occupied the vacant throne. However, the political identity of the land did not disappear, since Croatia preserved its own institutions and nobility. This served as a basis for the development of a distinct Croatian constitutional identity within the Arpád's state. The land encompassed the historical regions of Croatia, Slavonia and Dalmatia. The stabilization of the name of Croatia (first appearing in the 8/9<sup>th</sup> century) as the national and common territorial-political denomination for the whole entity occurred only in the 19<sup>th</sup> century and in some aspects extended even to the 20<sup>th</sup> century. The Kings from the Arpád dynasty continued to rule in Croatia through the Ban, a Croatian political institution long-established. In the 13<sup>th</sup> century, the *Sabor* (Diet) of domestic nobility was established in Slavonia and gradually developed legislative activity. Borders and the territorial scope of the regions have often changed, yet these two central institutions, the Ban and the Sabor, have been never abolished. They even became the institutional backbone of a distinct Croatian political identity, thereby limiting the direct influence of the central Hungarian institutions. That was the basis on which the *iura municipalia* – a set of rules ensuring the autonomous position of Croatia towards Hungary – were gradually developed. The enthronement of the Habsburgs in 1526/27 did not alter the autonomous status of Croatia. Since the 17<sup>th</sup> century it had been established that four delegates of the Sabor must participate in the Hungarian Diet, while their consent and the *ex post facto* acceptance by the Sabor were needed, if the laws enacted in the Hungarian Diet were to be valid also in Croatia. However, the extent of the particular Croatian constitutional rights changed according to political circumstances within the Monarchy. They were especially affected by the major territorial loss caused by Ottoman occupation of the central and northern parts of Croatia and by Venetian rule on the coast.

At the beginning of the 15<sup>th</sup> century, Dalmatia – where the domination by Venice had been alternating with that of Croatian rulers since the origin of the Croatian state – was definitively taken by the Venetian Republic and remained part of it till the fall of the Republic in 1797. The provisory Austrian rule that followed (1797–1805) was later replaced by a short-lived French rule (1805–1813), after which Dalmatia again was gained by the Habsburgs together with the region of Dubrovnik that became an integral part of the Austrian province called the Kingdom of Dalmatia till 1918. Since 1358 Dubrovnik had been an independent aristocratic republic under the symbolical sovereignty of the Hungarian King. It became a tributary land of the Ottoman Empire at the beginning of the 16<sup>th</sup> century, but in fact continued to be a prosperous and independent state till the French conquest in 1806. Legal culture in medieval Dalmatia was mostly characterized by a

strong communal autonomy of the towns that since the first half of the 13<sup>th</sup> century had codified their laws in the form of statutes. The communal legal system was formed by the influence of law of different origins: customary law, law from neighbouring states (the Byzantine Empire, the Lombard Kingdom, the Venetian Republic etc.) as well as the *ius commune*. During the Venetian period, the communal autonomy of the Dalmatian towns was strictly supervised by the Venetian authorities. Yet during the French period it was replaced by a centralized organization of government together with modern French laws, including the *Concordat* and the *Code civil* – both of which were studied at law schools established by French authorities. However, the short-lived penetration of French liberal institutions did not leave significant traces in the legal culture of the underdeveloped society still ruled by traditional customs. More important was the Austrian influence introduced through administrative and judicial institutions, an important piece being the *Allgemeines Bürgerliches Gesetzbuch* (1816).

After the taking over of Dalmatia at the beginning of the 15<sup>th</sup> century, the continuity of autonomous Croatian institutions was preserved only in the Kingdoms of Croatia-Slavonia that formed an autonomous part of the Hungarian Kingdom. The Croatian-Slavonian territory was significantly reduced by the Turkish conquests during the 15<sup>th</sup>–17<sup>th</sup> centuries. At the beginning of the 17<sup>th</sup> century it was further reduced as a consequence of the formation of the Military Border, a militarized region at the frontier with the Ottoman Empire directly administered by the Austrian military authorities. The Military Border was later re-integrated into the Croatian political system in two turns, in 1871 and 1882. The unification of the Military Border and Dalmatia was among the principal goals of Croatian national politics in the 19<sup>th</sup> century. Nevertheless, Dalmatia still remained separated in this period. At the time of Croatian nation-building during the 19<sup>th</sup> century, the territorial-administrative denominations “Kingdoms of Croatia and Slavonia” and, the theoretically existing, “Kingdoms of Dalmatia, Croatia and Slavonia” (in the 19<sup>th</sup> century it was also called the “Triune Kingdom”) alternated with the singular denomination “Croatia”.

The first roots of modernisation on these territories can be traced back to the period of absolutism under Maria Theresa (1740–80). An important part of her reforms was the establishment of the Political-Cameral School (*Studium Politicum-Camerale*) in Varaždin 1769. Moreover, in 1776 the Royal Academy of Sciences in Zagreb (*Regia Scientiarum Academia Zagrabienensis*) was founded, including also a Faculty of Law (*Facultas Iuridica*). These two institutions were supervised by the Royal Council (*Consilium Regium*), established in 1767 in Varaždin as an imperial government for Croatia. The Royal Council was abolished in 1779 and its competences were transferred to

the Hungarian Council of Lieutenancy (*Consilium Locumtenentiale*) – partly in response to demands of the Croatian nobility who saw the Royal Council as a centralistic usurpation of their rights. A similar division of competences was accepted at the Hungarian Diet in 1790 when some of the traditional Croatian executive and fiscal competences were “provisionally” transferred to the Hungarian Council of Lieutenancy and to the Hungarian Diet. That decision had been initiated by the Croatian Sabor with the aim of strengthening the Croatian-Hungarian collaboration against the Habsburgs’ absolutist pretensions and also for fiscal reasons. However, it gave the Hungarian government a constitutional reason to control Croatian institutions, including education. Hungarian policy, executed on such premises, gradually led to Hungarian-Croatian tensions that from the 1830s onwards resulted in the Croatian political resistance defending the legitimate *iura municipalia* – the cornerstone of Croatian autonomy.

The tensions escalated into an open conflict in 1848 when the Croatian Ban and the Sabor proclaimed the abolition of the union with Hungary. The short-lived Croatian Sabor of 1848 did not manage to undertake any institutional reforms. Because of that, modernisation in Croatia effectively began with reforms that were imposed from Vienna in the periods of false constitutionalism 1849–1851 and absolutism 1852–1859. An important part of the reforms was the abolition of the Royal Academy of Sciences in Zagreb which in 1850 was replaced by the Royal Legal Academy (*K. k. Rechtsakademie*, later *Kraljevska pravoslavna akademija*).

The return to constitutionality in 1861 saw an intensive activity of the Sabor trying to establish modern Croatian institutions, including the university in Zagreb. However, the Sabor opposing centralisation of the Monarchy, was soon dissolved by the King who denied sanction to the enacted laws. The Monarchy was consequently reorganised by the Austrian-Hungarian Compromise in 1867 that was followed by the sub-dual Croatian-Hungarian Compromise in 1868 concluded between the Hungarian Diet and the Sabor. The Croatian-Hungarian Compromise regulated Croatian autonomy in the Hungarian part of the Monarchy. It delimited spheres of common and autonomous competences (administration, religion, education, and judiciary) but acknowledged the control functions of the Hungarian government. Even though this Compromise was mainly seen as a cover for factual Hungarian domination, it set up a stable autonomous institutional framework. It was a precondition for systematic modernisation in Croatia during the 1870s when the University of Francis Joseph I in Zagreb (*Sveučilište Franje Josipa I u Zagrebu*) was founded (1874). The foundation of the University had been prepared by the transformation of the Royal Legal Academy into a university type of study in 1868.

Traditional Croatian political institutions ceased to exist in 1918 when the unitary and centralist Yugoslav Kingdom with the Serbian dynasty on the throne was established. However, a large part of the inherited regulations in civil and criminal law as well as in education remained in force until the legal unification of the state during the King’s dictatorship (1929–31) followed by the period of false constitutionalism. Basic regulations on universities were also unified, but principal diversities remained in force. For instance, obtaining a doctoral title through rigorous examinations at the Faculty of Law of Zagreb remained possible until 1952. Croatian political identity was strengthened from 1939 to 1941 when the large autonomous unit of the Banate of Croatia (*Banovina Hrvatska*) was formed in an attempt to reduce Croatian-Serbian tensions.

The Yugoslav state collapsed in 1941 and provisional regimes under the control of Germany and Italy were established in its parts. Among them was the fascist Independent State of Croatia (NDH) controlled by the Ustasas’ regime that pursued racial politics. In 1943 the Yugoslav resistance movement with its communist core, led by the Croat Josip Broz Tito, laid down the political and institutional foundations for the federal organisation of second Yugoslavia in which Croatia was to be one of the federal republics.

The federal principle was adopted by Yugoslav constitutions from 1946 to 1974 but in reality the political system was determined by the parallel power of the Communist Party. Tito’s death in 1980 triggered a political crisis which opened the way for the disintegration of the country. After democratic elections in 1990, Croatia and Slovenia proclaimed their independence on the basis of popular referendums and similar developments occurred in Macedonia and Bosnia and Herzegovina. Croatia and Slovenia were jointly recognised by all EEC members on 15 January 1992, and international recognition of all other ex-Yugoslavia’s units followed. The clash between the intentions to achieve independence and those to establish Greater Serbian borders led to short armed conflicts in Slovenia in 1991 and to the war in Croatia, then in Bosnia and Herzegovina and in Kosovo. The post-war stabilisation brought some success to the democratic processes. In 2004 – the same year in which Slovenia and nine other countries entered the EU – Croatia was granted official candidate status for membership in the EU and negotiations for accession in 2005 started then.<sup>14</sup>

14 Scholarly works on Croatian history and the history of the Croatian regions in English or in German are very scarce. General reviews of Croatian history can be found in: Ivo Goldstein, *Croatia: A History*, London 1999; Ivo Perić, *A History of the Croats*, Zagreb 2005; Ludwig Steindorff, *Kroatien. Vom Mittelalter bis zur Gegenwart*, Regensburg and München 2001. On Croatian

IV *Legal education in the Croatian regions  
from the Middle Ages to the 19<sup>th</sup> century*

The tradition of legal education on today's Croatian territory can be traced back to the Middle Ages. The proximity of Italian faculties and the location of Croatia to the broader European cultural context led to the presence of Croatian students at the most renowned European universities from the earliest times. Among the early students at the University of Bologna was *Paulus Hungarus seu Dalmata* (around 1180–1255) who was most likely of Dalmatian origin. He came to Bologna at around 1200 to study law and continued his stay as a professor of canon law leaving *Notabilia Compilationis Decretalium* – a kind of repetitorium for students. In 1221, after joining the Dominican order, he was sent to Hungary and some Hungarian authors presume that he might have influenced changes of Hungarian law at that time. Later he founded the Dominican monastery in Zadar – one of the few he founded in Hungary and Dalmatia – where he taught around the middle of the century.<sup>15</sup> Paulus was probably a teacher of Toma Arhidakon (*Thomas Archidiaconus Spalatensis*) from Split who studied law in Bologna around 1215. After finishing his course of studies, Toma worked as public notary in Split where he considerably improved the communal organisation and also

history in the context of the Habsburg Monarchy from 1790 to 1848 see Carlile Aylmer Macartney, *The Habsburg Empire 1790–1918*, London 1969. On Croatian constitutional and legal history from 1848 to 1918 see Dalibor Čepulo, Building of the modern legal system in Croatia 1848–1918 in the centre-periphery perspective, in: *Modernisierung durch Transfer im 19. und frühen 20. Jahrhundert*, edited by Tomasz Giaro, Frankfurt a.M. 2006, pp. 47–91. On the history of Dalmatia (but only to 1870) see Giuseppe Praga, *History of Dalmatia*, Pisa 1993 (first published as *Storia di Dalmazia*, Zara 1941). The history of the Republic of Dubrovnik is treated by Robin Harris, *Dubrovnik. A History*, London 2003. A very brief history of Istria can be found in Darko Darovec, *A Brief History of Istria*, Koper 1993 (first published in Slovenian as: *Pregled zgodovine Istre*, Koper 1992). On the national question in Yugoslavia see Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics*, Manchester and London 1984; see also Srećko M. Džaja, *Die politische Realität des Jugoslawismus (1918–1991), mit besonderer Berücksichtigung Bosnien-Herzegowinas*, München 2002.

15 On Paulus Hungarus seu Dalmata see: Dorottya András, Iz izvora povijesti prava srednjovjekovne Ugarske Kraljevine: Paulus Hungarus/Dalmata i njegova Notabilia [From the Legal Historical Sources of the Medieval Hungarian Kingdom: Paulus Hungarus/Dalmata and His Notabilia], in: *Povijesni prilozi*, 19 (2000), pp. 113–124; Stjepan Krasić, Fr. Paulus Hungarus vel, ut alii volunt, Dalmata, O. P., in: *Prilozi za istraživanje hrvatske filozofske baštine*, 4 (1978), pp. 131–150; Franjo Šanjek, *Crkva i kršćanstvo u Hrvata*, I [Church and Christianity among the Croats], Zagreb 1993, p. 563.

initiated the statutory codification of local rules, engaging an expert from Ancona to lead that work.<sup>16</sup> In the following decades a number of clerics from Zagreb diocese studied canon law in Bologna.<sup>17</sup> There is also an early presence of Croatian law students who are registered at the University of Padua, shortly after its foundation in 1222. In fact, Padua soon became the centre of learning which probably educated by far the most lawyers from the Croatian regions.<sup>18</sup> A very large number of these were elected as rectors, pro-rectors, and given other university honours.<sup>19</sup> After graduating, they usually occupied prominent positions in the political and clerical hierarchy of Hungary and Croatia or elsewhere.<sup>20</sup> More than a dozen graduates coming from Dalmatia became professors of law in Padua, as for example Nikola Matafari (*Nicholaus de Mathaffaris*) from Zadar who taught canon law 1318–31 and later became bishop of Zadar where he contributed to the development of legal culture.<sup>21</sup> Students from the Croatian regions also studied at other Italian universities such as Rome, Ferrara etc.<sup>22</sup> A presence of Croatian students is also confirmed at some universities in Central Europe

16 Krasić, F. Paulus Hungarus (n. 15), p. 133.

17 A certain Michael, *canonicus zagradiensis*, who took his doctorate in canon law in Bologna in 1269; see *Chartularium Studii Bononiensis: Documenti per la storia dell'università di Bologna dalle origini fino al sec. XV, vol. X*, edited by Guido Zaccagnini, Bologna 1936, sub no. 307; Urbacius, *praepositus* of Požega, is mentioned in 1264 as a student in Padova and among *scholares illustres* in Bologna in 1268–1270; See Andrić, *Studenti* (n. 2), pp. 121–123.

18 The reasons for that were the vicinity and the reputation of the University of Padua as well as the political background<sup>7</sup> primarily because Dalmatia was part of Venetian territory. However, personal and family relations of the dukes of Carrara, protectors of Padua University, together with some Croatian noble families (primarily with the family of Frangepani) also explain part of the presence of students from Croatia-Slavonia. See Grmek, *Hrvati* (n. 2), pp. 335, 345, 349.

19 For the period 1542–1688 Dražen Grmek identified six rectors, pro-rectors or syndics and more than 60 *consilarii* of the student “nations” from the Croatian regions, see Grmek, *Hrvati* (n. 2), p. 343.

20 Among students of law at Padua were Ivan Česmički (*Janus Panonnius*), Faust and Antun Vrančić who were well-known figures of political and cultural life in Hungary and Croatia, and Ivan Vitez Mlađi, bishop of Syrmium. See Damir Barbarić, The Importance of the University of Padua for the Education of Croatian Humanists, in: *Studia historiae philosophiae Croatiae* 1, Zagreb (1991), pp. 17–27, here 22. A very useful overview, including many data on students, is given in: Grmek, *Hrvati* (n. 2), pp. 334–374. See also Franjo Šanjek, *Kršćanstvo na hrvatskom prostoru* [Christianity on the Croatian Territory], Zagreb 1991, p. 210; Andrić, *Studenti* (n. 2), pp. 123, 124–125.

21 Grmek, *Hrvati* (n. 2), p. 348.

22 See the list in Andrić, *Studenti* (n. 2), pp. 134 ff.

founded in the 14<sup>th</sup> century: Vienna, Krakow, and Prague.<sup>23</sup> From the 14<sup>th</sup> century onwards, there was also a small colony of Croatian students at the University of Paris, some of whom were studying law.<sup>24</sup> Students from Zagreb which had initially preferred Padua turned toward Bologna after 1553 when Pavao Zondin (*Paulus Zondinus*), doctor of law and the *praepositor* of Zagreb and Esztergom (Hungary), founded the *Collegium Hungarico-Illyricum* there. This *Collegium*, which was run by the Capitol of Zagreb after Zondinus' death, was active till 1781 when it was abolished as a result of the church reforms of Joseph II. The *Collegium* hosted both clergy and laity and many legal scholars pursued their education there.<sup>25</sup> Some of them left clear marks in Croatian and Hungarian legal and political history.<sup>26</sup>

The early scholars of law brought legal books to their homeland. Some of the books remained in private hands; they were borrowed, given or bequeathed to friends and relatives.<sup>27</sup> But certain book holdings formed the

23 Some data are collected by Andrić, *Studenti* (n. 2), pp. 115–151.

24 Šanjek, *Crkva i kršćanstvo u Hrvata* (n. 15), p. 171.

25 In *Collegium Hungarico-Illyricum* students of philosophy, theology and law could stay up to seven years till they would reach a doctorate. From its foundation to 1781, several hundreds of Croatian students have passed through it. Damir Barbarić, *L'Institut hongrois-illyrien dans l'histoire culturelle de la Croatie*, in: *Synthesis philosophica* [international edition of the journal *Filozofska istraživanja*], 5 (1990), 1 (9), pp. 221–243; Vjekoslav Klaić, *Preteče Sveučilišta* [Predecessors of the University], in: *Sveučilište kraljevine Srba, Hrvata i Slovenaca u Zagrebu 1874–1924. Spomenica Akademičkog Senata* [The University of the Kingdom of Serbs, Croats and Slovenes in Zagreb 1874–1924. Memorial of the Academic Senate], Zagreb 1925, p. 1; Rudolf Horvat, *Hrvatsko sveučilište i visoke škole u Zagrebu* [The Croatian University and the High Schools in Zagreb], in: *Alma Mater Croatica* 6 (1943), pp. 1–5; Grmek, *Hrvati* (n. 2), p. 361.

26 Among students of law, members of the *Collegium Hungarico-Illyricum* were Baltazar Napuly Dvorničić, rector of the *Collegium* 1589–91 and *praepositor* of Zagreb Cathedral who wrote an important legal treatise and ran a private law school in Zagreb; Benko Vinković, who was rector of the *Collegium* in 1606–07 and was active in Church life in Croatia-Slavonia where he preached against Protestants and advocated the union of the Catholic and Orthodox churches; Ivan (V) Drašković (1693) from one of the leading Croatian noble families whose members often received their education in Bologna, and who held high political positions in Croatia and Hungary; Baltazar Adam Krčelić (1734–1738) known as Polyhistor and author of historical treatises who occasionally gave private lectures in law in Zagreb; Nikola Škrlec Lomnički (1749–51), one of the leading political figures of his time in Croatia and Hungary, known for his cameral orientation. See Barbarić, *L'Institut hongrois-illyrien* (n. 25), pp. 233–240. More details about some of these persons are given below in this article.

27 For example two canons from Zagreb (Blaž od Moravče, *Blasius de Marowcha* and Martin od Gradene, *Martinus de Grazena*) who studied law in Padua in

nucleus of the first libraries, which were commonly linked to churches and monasteries.<sup>28</sup> These were the first hotbeds of legal knowledge and legal culture. This transfer of legal culture ensuing from the tradition of university legal education helped build up Croatian legal culture as a part of European legal culture.

Still, attempts to establish a systematic legal education at home were few and short-lived. The reasons for this were manifold, and included, among others, a very low economic development, particularly in respect of trade, a lack of stronger urban centres with a developed legal tradition and culture, but also a discriminatory Venetian administration in Dalmatia which recognized only those academic titles acquired in Padua. Furthermore, there were very few Croatian students, whilst the vicinity of the most famous European law schools in Italy from the start precluded the development of other nuclei. The existing centres of higher education at that time (Zadar, Lepoglava, Zagreb, and other lower-grade centres) did not develop any systematic study of law. Until the 18<sup>th</sup> century, law had been studied only as a part of broader education or in occasional forms.

The first traces of legal education in the Croatian territory can be found in the early 14<sup>th</sup> century in Zagreb. The lectures in canon and civil law were held at the Cathedral school in Zagreb founded around 1304 on the model of *studia solemnna* by bishop Augustin Kažotić (*Augustin Gazotti*), educated at the University of Paris. The school also engaged laymen who afterwards, on

the 15<sup>th</sup> century, brought back to Zagreb their notes from their lectures of law then kept in the respective library; Grmek, *Hrvati* (n. 2), p. 354; Public notaries of the Dalmatian towns usually possessed legal books while a priest of Zadar, Simon de Matafaris, specified in his will of 1419 eleven books, four of which were on canon law; Aleksandar Stipčević, *Socijalna povijest knjige u Hrvata, I – Srednji vijek* [Social History of the book among Croats, Vol I, Middle Ages], Zagreb 2004, p. 193; for another example see Nella Lonza, *Pravna biblioteka Ivana de Scomla, zadarskog kanonika iz XIII. stoljeća* [Legal Library of Ivan de Scomla, a Canon of Zadar from the 13<sup>th</sup> Century], in: *Zbornik Pravnog fakulteta u Zagrebu* 40 (1990), pp. 101–115.

28 An instructive example is Fantin de Valla (around 1420–1475), a Paduan student from Trogir near Split who left his private library to the Dominican monastery of the Holy Cross at the neighbouring island of Čiovo. The library consisted of 24 legal books and manuscripts, including all of the most important titles of Civil Law as well as works of medieval civilians; see Stjepan Kراسić, *Trogiranin Fantin de Valle i njegova knjižnica* [Fantin de Valla from Trogir and his library], in: *Radovi Instituta JAZU u Zadru* 20 (1973), pp. 367–383. However, the most important libraries were the one in the Dominican monastery in Dubrovnik established in the 13<sup>th</sup> century and the Cathedral library in Zagreb (Metropolitana) established at the beginning of the 14<sup>th</sup> century; see Šanjek, *Kršćanstvo* (n. 20), pp. 162, 176, 228–231.



the basis of that education, were able to find employment outside Church structures. Yet the lack of financial resources of the church of Zagreb as well as complicated political conditions during the second half of the 15<sup>th</sup> century contributed to the decline of the school. It still managed to survive until it was abolished as a consequence of the church reforms of Joseph II in 1783.<sup>29</sup> It was only at the beginning of the 17<sup>th</sup> century that institutionalised forms of legal education appeared again in Zagreb.

Lectures in law, held occasionally by public authorities at an early time, have been registered since the mid 15<sup>th</sup> century in Dubrovnik, which is on the other part of today's Croatian territory. Extensive trade and a developed administrative organisation of the Republic of Ragusa required a broader and easier access to legal knowledge than just through slow and expensive study in distant centres. Furthermore, the authorities of Ragusa were inclined to grant scholarships to less well-off students under the condition that they give a series of public lectures on the subject they had studied abroad. Thus, from 1462 to 1464, Nikola Đončić (Nicolaus Gioncich), priest and teacher at the grammar school, gave lectures in canon law and the law of Dubrovnik. He was doctor *utriusque iuris* from Padua university and possessed several *libri legales*.<sup>30</sup> The same arrangement was reached with his successor, so that lectures were continuously held for at least four years. It seems that lectures in canon and civil law were again held in the 16<sup>th</sup> century and some forms of legal courses were occasionally organised throughout the 17<sup>th</sup> and 18<sup>th</sup> centuries. In the 18<sup>th</sup> century, students from Dubrovnik studied law mostly at Italian universities (Rome, Macerata, Bologna, Siena, Padua etc.) even though Dubrovnik's judicial system was not based upon educated lawyers but depended upon education through practice. However, in 1794 the govern-

ment of Dubrovnik established a Law School with a one-year course in which one attorney from Rome gave lectures. The main focus of legal education was on civil law but public law was also taught, probably with special reference given to elements of the law of Dubrovnik, while those who wanted to study penal law were sent to universities abroad. The lectures were held in Latin but the lecturer gave a summary in the Italian language as well. Candidates for higher official positions in Dubrovnik's administration had to prove that they had completed their education in this school. The students were mainly young nobles, but also candidates for official positions who were of common origin had to prove, at least formally, that they finished their studies at this school. The school was officially abolished by the French authorities in 1808 but it seems that it disappeared or that the courses were reduced immediately after the French occupation in 1806 because of the lack of students.<sup>31</sup>

Institutions of legal education in Dalmatian towns did not emerge throughout the medieval period. However, some elements of legal education might have been taught as part of the study of theology at the Dominican *studium generale* (or *Universitas Jadertina* in the monastery's documents) which existed in Zadar from 1396 to 1807 (refounded in 1495) possessing the privilege of conferring academic grades since 1553.<sup>32</sup> The place of learning was closed down by the French authorities who in 1806 established a *Lycée* in Zadar with several departments. One of them was the law department offering a three-year course that was soon extended to four years. In 1810 the *Lycée* was replaced by the *Écoles centrales*, where former departments of the *Lycée* were transformed into faculties with four-year courses, one of them being the law faculty. At the beginning it was provided that only natural and civil law and the interpretation of Napoleon's code should be taught at the *Lycée*, but soon a number of other subjects were added. The revised curriculum included literature, ideology, basics of geometry and algebra, physics (1<sup>st</sup> year); moral philosophy and natural law, civil institutions, history (2<sup>nd</sup> year); civil law based on Napoleon's code, criminal law and procedure, public notaryship (3<sup>rd</sup> year); civil law based on Napoleon's code, criminal law and procedure, forensic medicine (4<sup>th</sup> year). The Faculty of Law offered courses on rhetoric, metaphysics, physics (1<sup>st</sup> year); natural and moral law,

29 It can be presumed that the principal manuals for canon law in the Cathedral School was *Decretum Gratiani*, *Decretales Gregorii IX*, *Liber sextus Bonifacii VIII* and *Clementinae* while *Codex Iustinianus* and various other works were used for Civil law. Antun Ivandija, Povijest katoličkog Bogoslovnog fakulteta u Zagrebu [History of the faculty of catholic theology at Zagreb], in: *Bogoslov-ska smotra* 29 (1969) 4, pp. 324–336, here p. 328; Nada Klaić, Neoacademia Zagrabiensis (1669–1773), in: *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagrebu, vol I* [Memorial on the Celebration of the 300s Anniversary of the University of Zagreb, Vol. I], ed. by Jaroslav Šidak, Zagreb 1969, p. 22; Ivan Tkalčić, O stanju više nastave u Hrvatskoj prije, a osobito za Pavlinah [On the Conditions of high school teaching in Croatia before and especially during the Paulinian order], in: *Rad JAZU* 93 (1888), p. 82.

30 Padua University taught "prima elementa literarum, gramatica, rhetorica, poesia, philosophia moralis et aliae scientiae legales". See Bariša Krekić, "Miscellanea from the Cultural Life of Renaissance Dubrovnik", in: *Byzantini-sche Forschungen* 20 (1994), pp. 133–151, here p. 134.

31 On legal education in Dubrovnik see: Valtazar Bogišić and Konstantin Jireček, *Liber statutorum civitatis Ragusii, Monumenta historico-iuridica Slavorum Meridionalium*, vol. 9, Zagrabiae 1904, p. xi, n. 1; Cvitanić, *Tradicija* (n. 4), pp. 61–63; Lonza, *Pod plaštem pravde* (n. 4), pp. 29, 298–300; Muljačić, *Dubrovačka "Pravnička Škola"* (n. 4), pp. 227–234.

32 See Stjepan Krasić OP, *Generalno učilište Domikanskoga reda u Zadru ili Universitatis Jadertina: 1396–1807*, Zadar 1996, pp. 374, 376.

civil law, general history that also included a history of legislation (2<sup>nd</sup> year); Napoleon's code, criminal law, and public notaryship (3<sup>rd</sup> year); Napoleon's code, criminal law, and forensic medicine (4<sup>th</sup> year). At the end of the course students had to take a final examination and defend a thesis after which they obtained a lawyers' degree. Before they were licensed to practice law in public, they first had to pass a period of practice.<sup>33</sup> In 1811–12 the *Écoles centrales* ceased to exist because of financial difficulties. However, one dozen students who had begun their course of studies at the *Lycée* managed to complete it at the *Écoles centrales* before the school was abolished. The only final exams were conducted in August 1811 and the first and last diplomas were then awarded to 13 lawyers.

Apart from this high school of Zadar, the main legal disciplines (civil law, criminal law, public notaryship) were also taught at the *Lycée* in Split, while in Trogir and in Šibenik elements of legal education were taught in general public schools.<sup>34</sup>

During the Austrian rule official forms of legal education did not develop in Dalmatia, yet from 1827 private law education was permitted under the condition that no public instructions in law exist in the same town. Private courses might have helped to pass a formal legal degree since they did not require the passing of university examinations. From 1828 these courses could be taken by those who passed philosophy with excellent grades. However, only those who were employed at some private or public office were allowed to enrol. The Dalmatian provincial government licensed private lecturers, approved programmes and allowed students' access to exams at universities in the Monarchy. Following this order, a number of private law courses were organized in Zadar, Split, and Dubrovnik with respected local lawyers (judges and attorneys) as lecturers.<sup>35</sup>

In 1848 the magistrate of Zadar supported the initiative of one attorney and soon the Private Institute for the Study of Law (*Collegio private dello studio legale*) was established there. The school lasted four years and the curriculum was modelled upon the law faculties of Padua and Vienna with certain modifications. There were courses on statistics, natural law, criminal

law, criminal procedure, Roman and feudal law, canon law, civil law, civil procedure, maritime law, commercial and exchange law, political sciences, political-administrative laws, and national politics.<sup>36</sup> It seems very likely that manuals prescribed at the law faculties in Padua and Pavia were also used there. The lecturers were local legal practitioners of Croatian and Italian origin who accepted teaching obligations without a financial reward. Law students from other institutions were able to continue their education in Zadar as well as students of philosophy, after completing their first year. The latter privilege was abolished in 1849, which was probably the main reason why many students dropped out of the course in the following years. In 1848/49, there were around 30 students enrolled in the first year and around a dozen in each of the other three years. However, in 1850 there were only 31 students enrolled in the whole course.<sup>37</sup> The great majority of them came from Dalmatia (one even from Budua, today in Montenegro) but there were also several students from the Eastern coast of Istria and the North-Adriatic islands. Not a single student came from Split or Dubrovnik where private lectures in law were also held, but not in such an institutionalised way. Most of the students' family names suggest Slavic or Italian origins and only few German origins. Examinations were conducted after the first semester and students who completed their courses in Graz and Padua were also allowed to take examinations. However, it seems that the results were not satisfying. Very likely some students left the school because of examination results or moved to some other school in the Monarchy because of dissatisfaction with the education. One could assume that some of them managed to graduate. Nonetheless, the school disappeared in 1852. Even though the Ministry of education permitted the school to continue its work in 1852/53, there is no certainty about its further activity. Up to the early 1860s and occasionally up to the end of the century the town's magistrate and Dalmatian provincial authorities were trying to establish a legal academy (probably on the model of Hungarian academy of legal science<sup>38</sup>) and some kind of university in Zadar, yet they did not obtain the assent of the central political power.<sup>39</sup> Thus, Zadar

33 Cvitanić, *Tradicija* (n. 4), p. 63. On legal education in Zadar during the French period see also Peričić, *Pravni fakultet u Zadru* (n. 7), pp. 389–402.

34 Cvitanić, *Tradicija* (n. 4), pp. 63–64; Ljubomir Maštrović, *Povijesni pregled školstva u Zadru* [Historical survey of education in Zadar], in: *Zadar: geografija, ekonomija, saobraćaj, povijest, kultura*, edited by Jakša Ravlić, Zagreb 1964, pp. 487–526, here p. 496 ff.

35 Peričić, *Privatni zavod za pravni studij i pokušaj osnivanja Pravne akademije u Zadru* [The private institute for legal study and the attempt to establish the legal academy in Zadar], *Zadarska revija* 4 (1967), pp. 301–312, here p. 301.

36 Roman law, canon law, and penal law were taught for two semesters one hour per week, while in Vienna they were taught for one semester two hours per week. Over time the curriculum underwent some minor changes, see Peričić, *Privatni zavod* (n. 35), pp. 303, 305.

37 In January 1849, twenty-two students from Graz asked for permission and were allowed to enrol in the university school in Zadar, see Peričić, *Privatni zavod* (n. 35), p. 304.

38 On the Hungarian model of a legal academy below.

39 Cvitanić, *Tradicija* (n. 4), p. 65; Peričić, *Privatni zavod* (n. 35), pp. 302–312.

lost any institution of legal education at just about the time when the first Croatian legal journal *Pravdomoša* (Justice Bearer) was published there.<sup>40</sup>

In Croatia-Slavonia the first form of a specialized course of legal studies appeared in Zagreb in 1613 or some time before that when Baltazar Napuly Dvorničić (*Balthasar Napuly Dwornychych*, 1560–1624), the Bologna-educated doctor of theology and civil law and praepositor of Zagreb, organised public instruction in civil and canon law.<sup>41</sup> It can be assumed that in his lectures Napuly also made use of his manuscript *Methodica processum directio*, written while he was Rector of the *Collegium Hungarico-Illyricum* in Bologna in 1590. Furthermore, it seems that the book *Directio methodica processus iudicarii juris consuetudinarii, Incltyi Regni Hungariae* by Ivan Kitionić Kostajnički (*Joannes Kitionich de Koztanicza*) – taught in law courses in Hungary and also applied in practice – was in fact Napuly's work published with his permission under Kitionić's name.<sup>42</sup> Napuly's private school was home to renowned members of the laity and clergy but after his death the school closed down.<sup>43</sup> Still, Napuly's school testified to a widely-felt need in Zagreb for bearers of legal knowledge who were not exclusively members of the clergy.

However, the establishment of an institutionalized form of legal education had to wait for some time even though a centre of higher education existed in Zagreb. In 1669 Zagreb's Jesuits – who had shortly before complemented

their gymnasium with a higher course on philosophy – managed to secure a Privilege from Leopold I by which the *Neoacademia Zagrabiensis* was established. The Privilege granted the *Neoacademia* the right to confer academic titles and enjoy judicial autonomy. However, Jesuit superiors in Vienna and Rome refused to accept the Privilege, probably because they saw it as an interference of the state with their jurisdiction. The Jesuits of Zagreb were forbidden to make use of the right to confer academic grades of *baccalaureus* and *magister*, to use the titles *academia* and *rector magnificus*, but they were permitted to claim judicial immunity granted by the Privilege. In any case it strengthened the position of the school, which over time started to use the title of *academia*.<sup>44</sup> In 1727 a course of theology was introduced at the Academy and a two-year course in canon law was taught as part of it.<sup>45</sup> Canon law was also taught within the course of theology in the Paulin monastery in Lepoglava (close to the town of Varaždin) where it had been introduced in 1683. By the prescripts of Pope Clement X in 1671 and Emperor Leopold I in 1674 it became a *studium generale* with a right of conferring doctorates, but it was closed down with the abolition of the Paulin order in 1786.<sup>46</sup> Moreover, in the mid-eighteenth century Baltazar Adam Krčelić (*Balthasar Adam Kercselich*, 1715–1778), the most significant Croatian scholar of that time, privately tutored young noblemen in Zagreb in philosophy and law.<sup>47</sup> Yet systematic study of law was not set up.

Significant and systematic changes in the teaching of law were to emerge only with the reforms of Maria Theresa when the Political-Cameral School in Varaždin was established in 1769.

40 Cvitanić, *Tradicija* (n. 4), pp. 63–65.

41 It is still not certain when exactly Napuly's school was opened. The assumptions range from the end of the 16<sup>th</sup> century to 1613 when Napuly was appointed as *praepositor* of Zagreb's cathedral. Napuly was born in the town of Koprivnica (in the north of Croatia), but the origins of his family are at the island of Krk in the Adriatic sea. On Baltazar Napuly Dvorničić see Dražen Ernečić, *Baltazar Napuly Dvorničić (156–1624)*, Koprivnica 1999, *passim*.

42 The main argument for attributing Kitionić's book to Napuly is a statement of the Croatian historian Adam Baltazar Krčelić from 1747, based on comparisons of Kitionić's and Napuly's works. It seems that historians tend to accept his judgement, but since Napuly's manuscript has been lost in the meantime it is impossible to confirm it. Napuly should have given his manuscript to the much more respected Kitionić in order that he amend it and adapt it to the Hungarian customs and laws. Kitionić intended to publish it under Napuly's name but proposed that it be published as Kitionić's work because of his respect toward Kitionić and his high position. See Marino Jureković, Ivan Kitionić Kostajnički, in: *Directio methodica processus iudicarii juris consuetudinarii, Incltyi Regni Hungariae (Metodična uputa u sudbeni postupak po običajnom pravu slavnog Ugarskog Kraljevstva / per m. Joannem Kitionich de Koztanicza)*, ed. by Davor Krapac, Zagreb 2004, pp. 661–708.

43 Zlatko Herkov, *Iz povijesti javnih financija, finansijskog prava i razvitka finansijske znanosti Hrvatske* [From the History of Public Finances, Financial Law and Development of Financial Science], Zagreb 1985, p. 119; Klaić, *Preteče Sveučilišta* (n. 25), p. 6.

44 The Privilege was solemnly confirmed in the Sabor in 1671 as a kind of honour for the town commune of Zagreb that resisted accepting the judicial immunity of the Academy. In fact, the Academy did not enjoy full judicial autonomy because elected judges had to be confirmed by the King. Later on, the Jesuits of Zagreb requested the Sabor to beg the General of the Jesuit Order to confirm the King's Privilege that would enable them to confer academic titles. According to one contemporary, the Sabor refused the Jesuits' demand because such an act would be harmful to the King. On the foundation of the *Neoacademia Zagrabiensis* see Dobronić, *Zagrebačka akademija*, pp. 9, 37–38; Klaić, *Neoacademia Zagrabiensis* (n. 29), pp. 31–32; Horvat, *Hrvatsko sveučilište* (n. 25), p. 13.

45 On teaching of Canon law at the *Neoacademia Zagrabiensis* see Dobronić, *Zagrebačka akademija* (n. 10), pp. 60ff; Klaić, *Neoacademia Zagrabiensis* (n. 29), pp. 40–43.

46 Šanjek, *Kršćanstvo* (n. 20), p. 270; Šanjek, *Crkva i kršćanstvo* (n. 15), pp. 564–565.

47 Tadija Smičiklas, *Životopis Baltazara Adama Krčelića* [The Biography of Baltazar Adam Krčelić], in: *Monumenta spectantia historiam Slavorum meridionalium* 30 (1901), p. xxii.

The process of replacing an archaic administration with a rational one, which Maria Theresa started in the second part of the 18<sup>th</sup> century, soon revealed a lack of educated officials in Croatia-Slavonia. The real extent of this problem came to light in the course of reorganising the supreme administration in Croatia-Slavonia in 1767 when the above-mentioned Royal Council was established in Varaždin. The need to create a qualified administrative structure was the reason that in 1769 the Empress founded the Political-Cameral School. They were to be placed in Varaždin “only till the Royal Council retained its seat there”.<sup>48</sup> The historical circumstances turned Varaždin, the largest town in Croatia-Slavonia at that time (around 3,580 inhabitants in 1770s when Zagreb counted only 2,815), into the temporary seat of the central Croatian institutions.<sup>49</sup>

The basic goal of the Political-Cameral School was to train the necessary administrative staff, as former attempts at financially supporting talented young men for their studies in Vienna had proved insufficient. Adalbert Barić (*Adalbert Barits*, 1742–1813) who studied law in Buda and obtained a doctoral degree in law in Vienna was appointed as the first professor. This appointment was supported not only by his professional abilities and moral integrity but also by the fact that “he speaks the Croatian language and can thus gear his efforts and studies to the Croatian people”.<sup>50</sup> However, German was provided for as the language of instruction, and the prescribed textbook was *Grundsätze der Polizey-, Handlung- und Finanzwissenschaft* by Joseph von Sonnenfels, a work that had been used as a manual for the respective disciplines at the University of Vienna. But, despite clear instructions relating to the textbook and the language, all other administrative issues were only drawn up in guidelines. Therefore, problems had to be solved often after they had occurred in practice, as, for example, was the case with enrolment rights and even with the duration of the course of studies.<sup>51</sup>

48 Bayer, *Političko-kameralni studij* (n. 9), p. 210; the original text and a Croatian translation of the Queen’s Mandate on the foundation of the Political-Cameral School are cited in the same source (pp. 235–237). On the Political-Cameral School (together with a list of documents) see also Androić et al., *Varaždin* (n. 9), *passim*; Herkov, *Iz povijesti javnih financija* (n. 43), pp. 167–185; Klaić, *Preteče Sveučilišta* (n. 25), pp. 6–9.

49 Androić, *Prilog poznavanju društvenih i gospodarskih prilika grada Varaždina u 18. stoljeću* [A Contribution to the Understanding of the Social and Economical Conditions of the Town of Varaždin in the 18<sup>th</sup> Century], in: Androić et al., *Varaždin* (n. 9), p. 25; Rudolf Horvat, *Povijest banske palače* [History of the Ban’s Palace], Zagreb 1916, pp. 4–8.

50 Bayer, *Političko-kameralni studij* (n. 9), p. 226.

51 Bayer, *Političko-kameralni studij* (n. 9), p. 211.

As early as August 1769, the Croatian Royal Council notified all counties and free towns about the school, but this met with no response from potential students. The Council put down the lack of interest to the fact that it was a new school, that the beginning of the academic year was already under way, and especially to the missing knowledge of the German language. For this reason, a new circular was sent out in December, indicating that the lectures would be held in the Latin language and soon the new school was opened.<sup>52</sup>

Barić translated the first volume of Sonnenfels’ work into Latin and asked the Queen (in June 1770 and again in 1773) for permission to publish it. The Queen allowed publication under the condition that the authenticity of the translation toward the original be verified by the Croatian Royal Council; she also stated that public lectures should be held in German. An ad hoc commission of the Royal Council demanded certain changes, yet Barić did not respond.<sup>53</sup> The first volume of Sonnenfels’ work (on policy) made up the content of Barić’s lectures till the summer of 1770. In the second half of the year he also taught commerce and public finances. It is, however, not quite clear whether this extended program was based on the second and third volume of Sonnenfels’ work – this seems much more likely – or that Barić established a concept of his lectures by himself.<sup>54</sup> Despite the Queen’s demand that German should be used as the teaching language it is very likely that Latin was used as well.<sup>55</sup>

The course lasted two years, and students could take public tests (*tentamina publica*) and examinations (*examina*) that proved their success at the school.<sup>56</sup> The examinations were linked to the eligibility for the Queen’s

52 Bayer, *Političko-kameralni studij* (n. 9), p. 211.

53 Bayer, *Političko-kameralni studij* (n. 9), pp. 216–218.9

54 Bayer, *Političko-kameralni studij* (n. 9), pp. 214–215; Herkov, *Iz povijesti javnih financija* (n. 43), p. 180.

55 In 1770 the Royal Council suggested that teaching in German could be followed by a short summary in Latin. Students also published their written thesis in Latin which indicates that their presentations and defences were also in Latin. See Bayer, *Političko-kameralni studij* (n. 9), pp. 218, 233–234.

56 *Tentamina publica* were public demonstrations of the student’s knowledge of the whole study material or of parts of it. The student had to select certain postulates (*positiones*) from the subject matter, set them in a certain order and expound on them in public examinations, repeating the theses from lectures. The *examina* (examinations) were held every year in August in the presence of one member of the Croatian Royal Council who submitted his report to the Council – together with a separate report by Barić – on the success of the students and on the progress they made during the course. The Council subsequently submitted their reports to the Queen. See Bayer, *Političko-kameralni studij* (n. 9), pp. 233–234; Herkov, *Iz povijesti javnih financija* (n. 43), pp. 177–185.

scholarships, so as a rule they were taken by those students who needed financial support. The Queen regularly granted a number of scholarships to poor students. Until the end of the Political-Cameral School, 46 scholarships were awarded. On the other hand, more affluent students received special recognition.<sup>57</sup>

At the beginning, the student body consisted mainly of noblemen, but in time students of common origin prevailed. The ten students enrolled in 1770 included Croats as well as Hungarians, some of whom had already completed their higher education. It seems that accomplishing the course of study was a precondition for being appointed to some public office in Croatia-Slavonia. For example, a young Croatian nobleman who enrolled in 1770, after having finished his legal education in Eger (Hungary), was forced to complete the course in Varaždin before being appointed to public office.<sup>58</sup> The number of graduate students of the Political-Cameral School was probably low and their education poor. However, these students represented the basic core of the new administration and had to transform the backward administration into something more professional and modern.

The Political-Cameral School was transferred to Zagreb in 1772 on the initiative of the Royal Council, although the latter remained for some time in Varaždin.<sup>59</sup> It was in 1776 that the Royal Council moved to Zagreb, after a catastrophic fire in Varaždin which destroyed the building of the Council.

## VI *The Royal Academy of Sciences in Zagreb and the Faculty of Law 1776–1850*

### 1. Foundation of the Royal Academy of Sciences

The year 1776 saw the return of the Croatian central institutions (the Ban and the Royal Council, Ban's Bench) from Varaždin to Zagreb as well as the foundation of the Royal Academy of Sciences in Zagreb which was associated with the Principal Grammar School (*Regia scientiarum academia Zagrebien-sis cum Archygyrnasio*). Both events became important factors in the making of Zagreb, by then a moderately-sized town with 2,815 inhabitants, the then political and cultural centre of Croatia-Slavonia.

57 Bayer, *Političko-kameralni studij* (n. 9), pp. 226–227.

58 Bayer, *Političko-kameralni studij* (n. 9), pp. 230–231.

59 The transfer of the Political-Cameral School to Zagreb was ordered by a royal decree but it referred to the proposal of the Royal Council. Unfortunately, the Council's proposal has not been found, so the reasons for the transfer are not known. Bayer, *Političko-kameralni studij* (n. 9), p. 212.

The former institutions of higher education, the Jesuits' Academy and the Political-Cameral School was merged into this newly established institution that consisted of courses in philosophy, theology, and law. The system of education was placed under state authority after the abolition of the Jesuit Order in 1773, which until then had been the bearer of education in the whole Monarchy.<sup>60</sup>

The establishment of the Royal Academy of Sciences was part of the efforts made by the central administration to build up the educational system in the Monarchy in the spirit of rationalism and enlightenment. Thus, the Royal Academy of Sciences was founded by the Queen's mandate of 5 August 1776 which was part of a more extensive educational reform.<sup>61</sup> Even at the very moment of its passing it was already known that the mandate would be replaced with a more complete regulation. Yet despite its incomplete nature, the mandate set down a model of organisation that remained essentially unchanged until the demise of the Academy.

For the regions of Croatia-Slavonia, Medimurje, and Rijeka with its littoral, a uniform school district was formed with Zagreb as its centre. It embraced all elementary and grammar schools, the Principal Grammar School in Zagreb (*Capitale Gymnasium* or *Archigygnasium*), and the Royal Academy of Sciences in Zagreb. The head of the district was a royal high director of schools and colleges (*superior regius studiorum et scholarum director*). He was appointed by the Queen and subordinated to the Croatian Royal Council to which he submitted reports (from 1779 to the Hungarian Council of Lieutenancy which took over the competences of the abolished Royal Council). The high director managed the affairs of the Academy, while the director of the Academy (*prodirector* or *localis director*), who was his subordinate, represented him in matters of current affairs. The director was the superior of the academic magistrate consisting of vice-deans, the vice-director of the Principal Grammar School as well as the Academy chaplain. The first high director was Nikola Škrlec Lomnički (*Nicolaus Skerlec de Lomnicza*, 1729–1799), one of the most important and intriguing personalities of the Hungarian and Croatian political life of the time who was known also for his erudition and cameral orientation.<sup>62</sup>

60 Mirjana Gross, *Počeci moderne Hrvatske* [Beginnings of Modern Croatia], Zagreb 1985, pp. 305–306.

61 For the original text and the Croatian translation of the *Benignum mandatum regium de systemate studiorum* see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 1 (n. 12), pp. 11–37.

62 For Škrlec's manuscripts (published in Latin and in Croatian) and works on Škrlec see in: *Nikola Škrlec Lomnički (1729–1799)*, vol. 1–3, edited by Eugen Pusić et al., Zagreb 1999–2001.

The studies of philosophy, theology and law, organized as separate “faculties” (*facultates*), were based on two-year courses. The teaching units at the faculties were made up of chairs constituted by one professor (*professor ordinarius*) who taught several subjects. Moreover, an associate professor (*professor extraordinarius*) had to be elected in order to substitute absent professors. The sessions of the council (*consessus*) were held jointly for the whole Academy and were presided over by the high director.

The two-year course of studies at the Faculty of Philosophy provided general education in humanistic and natural sciences and gave deeper knowledge in philosophical disciplines. Its role was also to prepare the candidates for the two-year studies of theology and law which could be attended only after a completed course of study at the Faculty of Philosophy.<sup>63</sup>

The Queen’s mandate prescribed that at the Faculty of Law (*facultas iuridica*) four professors should teach compulsory subjects of canon law (*professor iuris canonici*), natural law, international law and general public law (*professor iuris naturae, gentium et iuris publici universalis*), civil law and the theory of law of the homeland (*professor iuris civilis et iuris patrii theoretici*), administrative science, cameral sciences and economics (*professor politiae qui accesserit studia cameralia quoque ac oeconomica tractabit*).<sup>64</sup>

Furthermore, professorial posts were to be filled through an announcement “regardless of class and social position”, i. e. from the ranks of commoners as well. Distinguished persons with well-known abilities or highly learned people could be appointed directly, without such a procedure. Candidates were taken for a year long probationary period, which they did not have to repeat in the course of promotion into higher teaching ranks. The employment procedure included written and oral examinations.<sup>65</sup>

The first job announcement drew a large number of candidates. A total of 74 candidates applied for two vacant chairs at the Faculty of Law (law of the homeland, natural and public law) and for all other chairs in theology and philosophy. Only six of the candidates were from the ranks of the laity and five of them applied for the chairs at the Faculty of Law.<sup>66</sup>

63 Antun Cuvaj, *Građa za povijest školstva kraljevina Hrvatske i Slavonije od najstarijih vremena do danas*, vol. II [The Material for the History of education in the Kingdoms of Croatia and Slavonia from the Earliest Times to Today, Vol. II], Zagreb 1910, p. 479.

64 Vladimir Bayer, Osnivanje Pravnog fakulteta u Zagrebu (1776) i njegovo definitivno uređenje (1777) [Foundation of the Faculty of Law and Its Definite Regulation (1777)], *Zbornik Pravnog fakulteta u Zagrebu* 19 (1969), pp. 221–278, here p. 233.

65 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 233.

66 The examination was conducted by a special board consisting of the high director, the director and some other dignitaries and it was presided over by the

Among the professors elected at the Faculty of Law was Adalbert Barić, former professor at the Political-Cameral School. He was appointed professor of cameral disciplines without having submitted an application. The same was the case with Franjo Milašinčić, a doctor of law from the University of Vienna and, previously, professor at the Faculty of Theology at the Jesuit *Neo-academia Zagradiensis* who continued teaching canon law. Vinko Kalafatić (1747–1792) became professor of natural law and general public law through an announcement, while Josip Petrović (1751–1818), who studied law at the universities in Vienna and Tyrnavia, was appointed professor of civil law and law of the homeland. The Hungarian Council of Lieutenancy soon appointed Barić and Petrović to posts in Hungary. Barić had already held a professorship at a similar academy in Győr in Hungary in 1777. The same year he was transferred to the University of Pest where he became Rector in 1786. His place in Zagreb was taken (once again without an application) by Franciscus Lehnau (1744–1811) who came from abroad. He had no doctorate but took it at the University of Buda in 1781. Josip Petrović was transferred to the University of Buda in 1777 where he taught natural law, general public law, and international law. In 1782 he returned to Zagreb, being appointed director of Zagreb’s Royal Academy of Sciences. From 1786 he carried out the highest functions in the Croatian and Hungarian judiciary.<sup>67</sup>

The Academy was constituted even before the Queen had confirmed elected professors, and as high director Nikola Škrlec who had convened a formal session of all professors on 11 October 1776. At this session, the teaching curriculum was adopted and the academic year determined to begin on 4 November 1776 when the work of the faculties began.<sup>68</sup>

## 2. Organisational stabilisation: The *Ratio educationis* of 1777 and 1806

In 1777, the Mandate of Maria Theresa was replaced by the more extensive and detailed act *Ratio educationis totiusque rei literariae per regnum Hungariae et provincias eidem adnexas*.<sup>69</sup> It regulated the entire educational

royal commissioner. The results had to be officially confirmed by the Queen. Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 233.

67 On the personnel structure of the Academy of Sciences see Klaić, *Preteče Svečilišta* (n. 25), pp. 26–27.

68 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 241; 4 November is celebrated at the Faculty of Law in Zagreb as the Day of the Faculty.

69 *Ratio educationis totiusque rei literariae per regnum Hungariae et provincias eidem adnexas*, Tomus I (Vindobonae 1777); further in the text: *Ratio educationis* 1777.

system in “Hungary and the adjoining provinces”, thus marginalising Croatian needs. According to this Act, Hungary was to have one university (in Buda; in 1784 it moved to Pest) and one academy in each of the five school districts. At this time Hungary had four districts, while the fifth was the Zagreb school district founded by the Queen’s Mandate of 5 August 1776.<sup>70</sup> Academies were on a scale below universities and were not able to confer academic titles. The academies still offered three two-year courses (*cursus*) but in the documents of the Academy of Zagreb the term *facultates* continued to be used.

The *Ratio educationis* of 1777 complemented, but did not change the earlier regulations concerning the election of teaching staff. It prescribed that a professor should hold the degree of *magister* from a university, while the election of academy lecturers should take place only at the University of Buda. With the subsequent subordination of Croatia-Slavonia to the Hungarian Council of Lieutenancy in 1779, this provision placed the Croatian higher education system in a dependent position, but this also implied a better supervision of the candidates for teaching posts.<sup>71</sup>

The *Ratio educationis* of 1777 provided that four full professors and one associate professor should be appointed at the Faculty of Law in Zagreb. The teaching subjects prescribed by the *Ratio educationis* of 1777 were “public law and what pertained to it” (*ius publicum & quae eodem pertinent*), law of the homeland together with customary law (*ius patrium una cum usibus receptis et consuetudinibus*), political, commercial and financial sciences (*politica, commercium & rei aerae scientiae*), and history of the European countries, general history and a course current affairs (*historia provinciarum europearum, historia universalis & collegium novorum publicorum*). This new plan differed from the one prescribed by the Queen’s mandate of 1776, yet it did not change it substantially. The first three compulsory courses had already been taught from 1776 under different names. The real novelty was the introduction of historical subjects; however, new subjects had to appear under different names than the prescribed ones, i.e. general history and history of states (*historia universalis et historia statuum*). Canon law was still taught, although according to the *Ratio educationis* of 1777 it was not a compulsory course.<sup>72</sup>

Furthermore, the *Ratio educationis* of 1777 provided for some optional subjects too. Thus, in Zagreb a professor of public law taught diplomacy as part of extra-mural lectures, a professor of administrative sciences held

70 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 248.

71 Bayer, Osnivanje Pravnog fakulteta (n. 64), pp. 249–250.

72 Bayer, Osnivanje Pravnog fakulteta (n. 64), pp. 255–261.

instructions in numismatics (the study of the coins of Hungary), forestry, and accounting, while a professor of law of the homeland taught Justinian’s Institutions.<sup>73</sup>

Although Latin was the language of teaching, the *Ratio educationis* of 1777 did not ban the use of national languages. However, it is doubtful that Croatian was used to any great extent despite the fact that lecturers and students were predominantly of Croatian nationality. Still, from 1819 to 1831 Imbrih Domin Petruševčki (1776–1848), or Imbro Domin in a more conventional form, a professor of law of the homeland, published a series of shorter textbooks in private law (basically Tripartite) in the (local) Kajkavian dialect of the Croatian language.<sup>74</sup> This indicates that the Croatian language was used to some extent. Domin’s work was probably based on the respective book of Emericus Kelemen, professor of Pest University.<sup>75</sup> It introduced some new legal terms, moving away from the older tradition established with the translation of the Tripartite by Ivanuš Pergošić in 1574 who combined the Kajkavian and *Štokavian* dialect of the Croatian language.<sup>76</sup> However, Domin’s work was in a way rendered obsolete by the gradual acceptance of the *Štokavian* dialect as a standard for the Croatian language in the 1830s by Ljudevit Gaj and the *Illyrian* movement. In regard to this question, it is also interesting that in 1832 the professors’ council permitted the law student

73 See the minutes of the session of the Academic council from 3 November 1777, in: Croatian State Archives, Zagreb; Kraljevska akademija znanosti. Pravoslovna akademija, Spisi.

74 Domin Petruševčki, Imbrih, *Predznanya Pravicz Szamoszvojneh Vugerzkeh* [Foreknowledge of the Autochthonous Hungarian Rights]; Domin Petruševčki, Imbrih, *Dogodopisz Pravicz Szamoszvojneh Vugerzkeh* [History of the Autochthonous Hungarian Rights]; Domin Petruševčki Imbrih, *Navuchanye vu Praviczah Szamoszvojneh Vugerzkeh I–III* (1821–1831), [Teaching of the Autochthonous Hungarian Rights].

75 In the introduction to his first book Domin stated that his work was based on older works from which he departed whenever he considered it necessary. Zlatan Stipković points to Emericus Kelemen, *Institutiones Juris Hungarici Privati*, Pestini 1814, as a model for Domin’s work. Zlatan Stipković, O nastavi i nastavnicima građanskog prava na Pravnom fakultetu u Zagrebu [On the Teaching and the Teachers of Civil Law at the Faculty of Law in Zagreb], in: *Zbornik Pravnog fakulteta u Zagrebu* 25 (1975), pp. 67–90, here p. 74.

76 Pergošić’s translation of the Tripartite (Ivanuš Pergošić, *Decretum koterogaie Verbeuczki Istvan diachki popiszal od Ivanussa Pergossicha na szlujensski iezik obermien* [The Decree prepared by W.I., translated into the slavic language by I. P.] *Nedelische 1574 was published in a strange combination of dialects. In a part of the printed examples half of the first chapter was translated into the kajkavian dialect and the remaining part of the book into the štokavian dialect.* Stipković, O nastavi (n. 75), p. 72.

Matija Smodek to teach other students the Croatian language (in the *kajkavian* variant). Smodek continued his teaching up to 1846 though he was appointed professor of statistics.<sup>77</sup> The aim of the Hungarian Council of Lieutenancy to introduce Hungarian as a teaching language in 1841 was deferred by the Supreme School Directorship with the argument that, because of the students not speaking Hungarian, teaching would be like “preaching to deaf rocks”.<sup>78</sup> However, the Hungarian language was introduced at the Academy as an optional subject after the end of the Josephin absolutism in 1791. It became a compulsory subject between 1833 and 1848, during the strong Hungarian political pressure on Croatia.<sup>79</sup>

The *Ratio educationis* of 1777 also prescribed a teaching schedule for all study courses equally, putting a special emphasis on religious education and good behaviour.<sup>80</sup> Other teaching forms were, according to the *Ratio educationis*, exercises (*exercitationes*), public disputations (*publicae disputationes*), tests (*tentamina*), and defences (*defensiones*). Of all these forms, only public disputations, partly comparable to today’s seminar workshops, were properly regulated.<sup>81</sup> The *Ratio educationis* also provided for the control of

77 Jaroslav Šidak, *Regia scientiarum academia*, in: *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagrebu*, vol II (n. 10), p. 69.

78 Cuvaj, *Grada za povijest školstva* (n. 63), p. 212.

79 Cuvaj, *Grada za povijest školstva* (n. 63), p. 381.

80 Lectures were given for two hours in the morning (7–9) and two in the afternoon (14–16), except on Tuesday afternoon, Thursday and Sunday, when there were no lectures at all. There were twenty hours of teaching per week, and the academic year lasted ten months. Students heard sermons every Sunday and on feast days, while the “usual Marian assemblies” were held in the afternoons. Importance was given to the religious dimension not only in the *Ratio educationis* of 1777 (see here, n. 69) but in the Academy Statute from 1826 as well. The Statute provided harsh consequences for a breach of religious duties. Thus, regular presence in religious classes was compulsory as well as frequent attendance at mass and confession at least once a month. Students receiving a bad mark in conduct or religious instruction were warned that they would not be employed in the civil service or, in other words, that they would not be promoted, but might even be expelled. Bayer, *Osnivanje Pravnog fakulteta u Zagrebu* (n. 64), p. 262; see the Regulations of the Academy and the associated Archigymnasia of 1826 i. e. *Pravilnik Kr. Akademije i njoj pridružene arhigimnazije od 31. siječnja 1826*, in: *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagrebu*, vol. I (n. 10); Šidak, *Regia scientiarum academia* (n. 87), pp. 66–68; and also *Ratio educationis 1777* (n. 69): *Tabella cursus bienii iuridici in regni Hungariae academiis, continens tam institutiones ordinarias, quae quotidie exceptis diebus Jovis & dominicis haberi debent, quam institutiones extraordinarias habendas diebus & horis pro arbitratu deligendis*.

81 In a disputation, a student, with the help of his tutor, expounded in written form on a topic from the list of topics determined annually by the University of

student knowledge at the end of each semester, yet it did not introduce new grading methods. For this reason, the old system of grading was retained. Accordingly, grades were based on five classes and ranged from the fourth class to “the first class with honours” at the top.<sup>82</sup>

In 1784 the entire Faculty of Theology was transferred to the Central Seminary so that the Academy was reduced to two courses of study. At the same time canon law was abolished at the Faculty of Law.<sup>83</sup>

The revision of the too detailed and therefore partly unapplicable *Ratio educationis* of 1777 in 1806 brought about much more significant alterations in the structure of the Faculty of Law.<sup>84</sup> The *Ratio educationis 1806* did not change the key points of the preceding Act relating to the organisation of scientific academies and certain studies. However, it omitted general history and history of estates from the list of subjects at the Faculty of Law whilst introducing statistics and mineral exploitation law (*statisticae et ius metallicum*), and commercial and exchange law (*ius mercantile et ius cambiiale*). Nevertheless, the teaching of general history and history of estates continued until 1810 and it was only in 1813 that statistics and mineral exploitation law were introduced.<sup>85</sup>

Buda. A student who received the highest grade defended his theses and the theses supplied to him by his professor, while the three less well-graded students had the task of disputing. A transcript of the student’s theses and the professor’s supplements was handed out to those present at the defence, who could also contest them. The defendant’s and the disputant’s papers were sent to the University of Buda, which could then reward both students and their professors. Tests and defences were basically equal to disputations. *Tentamina* referred to the whole discipline or to one of its parts. On the initiative of professors or parents, they were undertaken by students wishing to receive a royal scholarship. Similarly, the aim of defences was to show publicly the student’s progress in an entire discipline or in part of it. In this respect, defences differed from those at the University of Buda, since the latter led to the acquisition of academic degrees. Numerous students’ *positiones* and *tentamina* contain identical theses and questions, which points to the probability that they were standard parts of the assignments that students learned by heart. Bayer, *Osnivanje Pravnog fakulteta* (n. 64), pp. 253–254; Šidak, *Regia scientiarum academia* (n. 77), p. 62; Klaić, *Neoacademia Zagrabensis* (n. 29), pp. 34–36.

82 Teachers usually used descriptive comments inside this framework such as “nullus”, “mediocris”, “supra mediocritatem”, “bonus”, “praestans”, “eximius”, “exiguus”, “praeclarus” etc. Čepulo, *Pravni fakultet u Zagrebu* (n. 12), p. 38.

83 Klaić, *Preteče Sveučilišta* (n. 25), pp. 26–27.

84 *Ratio educationis publicae totiusque rei literariae per Regnum Hungariae et provincias eidem adnexas*, Budae 1806; see above in the text *Ratio educationis 1806*.

85 Klaić, *Preteče Sveučilišta* (n. 25), p. 27; Šidak, *Regia scientiarum academia* (n. 77), p. 57.



### 3. Teaching subjects

Except for these alterations, the syllabus of the Faculty of Law did not change fundamentally during the entire period of the Academy's existence until 1850. Changes in the programme of certain disciplines took place *via facti* within the organisational framework composed of individual chairs.

The Department of Public Law and Current Affairs embraced natural law, universal public law, international law and state and church law of Hungary. The prescribed textbook was *De lege naturali positiones* (Vienna, 1772) by Karlo Antun Martini. That subject was preparatory to legal studies following the model of the University of Vienna where it had been introduced in 1753.<sup>86</sup> Towards the end of the Academy's existence, Austrian public law was also taught as part of this subject. In the politically tense year of 1845 the Sabor pleaded with the King to order that the professor of public law also teach the Croatian autonomous rights but the plea was rejected.<sup>87</sup>

The *Ratio educationis* of 1777 prescribed that the law of the homeland together with the accepted customary law should include an introductory study of the history of Hungarian law including criminal law. This should be followed by a course in positive Hungarian law, of which court procedures were to be taught in the last semester. However, since there was no textbook for this subject, the *Ratio educationis* of 1777 proposed some alternative solutions, according to which the history of Hungarian law was to be taught from some mimeographed course materials, while criminal law was to draw on the Theresian Code.<sup>88</sup> The books of Imbro Domin, already mentioned above, covered both historical and systemic parts of the subject.

The Chair of Administrative Science, Commercial and Financial Sciences embraced a set of subjects that had been taught at the Political-Cameral School. The *Ratio educationis* of 1777 prescribed von Sonnenfels's book as a provisional solution because it was based on Austrian and not on Hungarian law, but in reality it lasted until the Academy's demise. There was a note that, prior to teaching the course material on this subject, it was necessary to study the subject "knowledge of crafts, handicrafts and artisanship" for which no manual existed, yet the work of Johann Heinrich Justi was suggested.<sup>89</sup> In 1806, commercial and exchange law were added to this chair as compulsory subjects and the same professors taught *stylus curialis*. Among the more

important professors was Antun Albelly (1794–1875). Albelly left his manuscripts on public finances in which he tried to synthesise various authors, but referred mostly to Ludwig Heinrich Jakob. In 1828 he was transferred to the Royal Academy of Sciences of Győr and then to Posonii (Bratislava) where he taught the encyclopaedia of law and philosophy of law.<sup>90</sup> He was succeeded by Johannes Evangelista Henfner, born in Hungary, but probably of German origin, who took his doctoral degree at the University of Pest. He taught in Zagreb from 1827 to 1835 – the year when he moved to the University of Pest – where he taught Roman law, penal law, and feudal law. In Pest he published the first manual on Roman law in the Hungarian language.<sup>91</sup> Prior to that he had published in Zagreb the textbook *Introductio in oeconomiam politicam* (Zagreb 1831) based on the postulates of Adam Smith. In this book he criticised certain theses of Joseph von Sonnenfels. His manuscripts indicate that he also accepted some of the theses of Ludwig Heinrich Jakob.<sup>92</sup> In fact, Albelly and Henfner announced the end of Sonnenfels' doctrinal domination in the country whose administrative reality was far from the theoretical postulates that were taught.<sup>93</sup> But apart from that, it seems that a closer approach to the Croatian reality had hardly been undertaken till the foundation of the University in 1874.

The teaching of the history of the European countries, of general history and also the course in current affairs were supposed to broaden the historical knowledge already acquired at the Faculty of Philosophy. The course in current affairs revolved around the professor's presentation of the most important current events to his students. As already mentioned, these courses formed part of the history of states and general history. The history of some of the more important European countries was dealt with in the first year, to the extent provided in the textbook *Geschichte der heutigen vornehmsten europaischen Staaten im Grundrisse* (Göttingen 1773) by Gottfried Achenwall of the University of Göttingen. General history was taught in the second year on the basis of synchronistic tables and historical geography, history of culture, religion, art, and economy. The recommended textbook here was a work by Johann Christoph Gatterer, *Handbuch der Universalhistorie nach ihrem gesamten Umfange bis auf unsere Zeiten vortgesetzt* (Göttingen 1764).

86 Bayer, Osnivanje Pravnog fakulteta (n. 65), pp. 256–258.

87 Klaić, Preteče Sveučilišta (n. 25), p. 33; Šidak, Regia scientiarum academia (n. 77), p. 73.

88 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 259.

89 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 260.

90 On Albelly, see Herkov, Iz povijesti javnih financija (n. 43), pp. 195–202; and Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 7–40.

91 On Henfner see Herkov, Iz povijesti javnih financija (n. 43), pp. 202–209, and Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 107–164.

92 See the manuscripts: Joannes Henfner, *Principia iuris mercantilis*, Zagreb 1831; and Franjo Pogledić, Matija Smodek, *Scientia politicae*, I–III, Zagreb 1830–37; the latter summarised Henfner's lectures.

93 Herkov, Iz povijesti javnih financija (n. 43), p. 208.

Thus, the teaching of history (*historia universalis et historia statuum*) at the Faculty of Law in Zagreb was based on the works of historians from the University of Göttingen known for following the tradition of historical erudition from the 17<sup>th</sup> century and at the same time developing auxiliary historical sciences. The adoption of their achievements by the Faculty of Law in Zagreb has been of great importance, since it was contributed to the "scientification" of Croatian historical and social sciences.<sup>94</sup> It was common practice that the course in current affairs was held extramurally by a professor of ecclesiastical history at the Faculty of Theology.<sup>95</sup>

As noted before, canon law was not considered a compulsory subject in legal studies. One of the Queen's letters provided that, until a proper manual was written, the textbook by Paul Joseph von Riegger, *Institutiones iurisprudentiae ecclesiasticae* (Vienna 1774) should be used temporarily.<sup>96</sup>

In regard to the disciplines of statistics and mineral exploitation, it should be noted that the first professor, Josip Jurjević de Toul (1785–1875), had published two textbooks *Institutiones iuris metallici Hungariae* (Zagreb 1822) and *Theoria statisticae* (Zagreb 1825), both referring to a number of authors, including contemporary ones.<sup>97</sup> Jurjević was transferred to the University of Pest in 1835. He was succeeded in Zagreb by Matija Smodek (1808–1881), who taught these subjects from 1838 until his retirement in 1874. In 1862 he published the textbook *Pravo gorsko inače rudno države Austrijske* (Zagreb, 1862) [Mountain Law or Mineral Exploitation Law of the Austrian State].

#### 4. Professors and students

Alongside full professors, associate professors were also elected, as well as supplementary teachers, who replaced full professors for shorter or longer periods, some of them in turn becoming full professors. Supplementary

94 Dalibor Čepulo, Povijest i pravo: opća povijest, povijest staleža (1780–1812) i pravno obrazovanje na Kraljevskoj akademiji znanosti u Zagrebu (1776–1850) [History and law: general legal history, history of estates (1780–1812) and legal education at the royal legal academy of Zagreb (1776–1850)], in: *Zbornik Pravnog fakulteta u Zagrebu* [Collected papers of the faculty of law of Zagreb] 43 (1993), 4, pp. 439–460, here p. 449–450, 452–454; Mirjana Gross, *Suvremena historiografija* [Contemporary Historiography], Zagreb 1996, pp. 105, 174.

95 See the minutes of the session of the Academic council from 3 November 1777, in: Croatian State Archives, Zagreb; see here n. 74.

96 Bayer, Osnivanje Pravnog fakulteta (n. 64), p. 261.

97 About Josip Jurjević see: Herkov, Iz povijesti javnih financija (n. 43), pp. 219–220.

teachers regularly held courses on the Hungarian language, but also substituted for other subjects. They provided considerable assistance in teaching, yet despite this, some chairs at the Faculty of Law, as in the whole Academy, were severely understaffed. This was almost customary at the beginning of the 19<sup>th</sup> century and up to the 1830s. In 1810–1811 Imbro Domin was the only professor at the Faculty of Law, while in 1825 two professors held lectures in all disciplines.<sup>98</sup> It has been assumed that the imposed teaching regime and state control might have been responsible for this situation.<sup>99</sup> Indeed, some distinguished contemporaries harshly criticised the quality of teaching at the Academy,<sup>100</sup> but there were also others who claimed that, despite everything, the Academy of Zagreb produced expert lawyers.<sup>101</sup>

The students of the Faculty of Law came mostly from Croatia-Slavonia, but there were also students from other Croatian regions as well as from Hungary. The number of students rose parallel to the development of society and the stability of the Academy itself. In 1785 there were only 13 law students, whereas in the period from 1826 to 1850 their number ranged from 35 in 1845/46 to 48 in 1839/40. Up to the abolition of the Academy in 1850, around 2000 law students passed through the Academy. They mostly came from noble and bourgeois families, since until 1844 only noblemen were allowed to occupy the posts of civil servants outside free towns. However, there were also students of peasant origin. Out of 13 law students in 1785 (eight in the first year and five in the second) nine were of noble origin, two of civil and two of peasant origin.<sup>102</sup>

For Zagreb and Croatia at that time, the Academy offered an important cultural and intellectual potential. Still, the main obstacles to the desired quality of the Academy – its narrow pragmatic purpose as well as its working conditions – could only be surmounted through radical changes. In fact, efforts to establish a university type of study in Zagreb was occasionally noticeable since 1774 and continued during the 19<sup>th</sup> century.<sup>103</sup> However, the

98 Šidak, Regia scientiarum academia (n. 77), p. 57.

99 Oršić Slavetički, Rod Oršića [The Oršić Family], Zagreb 1943, pp. 66–67; Šidak, Regia scientiarum academia (n. 77), p. 57.

100 Šidak, Regia scientiarum academia (n. 77), pp. 77–78.

101 Imbro Tkalac, *Uspomene iz Hrvatske*, Zagreb 1945, p. 143.

102 Krešimir Nemeth, Zagrebačka akademija uoči Narodnog preporoda [The Zagreb Academy Before the National Revival], in: *Iz starog i novog Zagreba*, vol. IV [From the Old and the New Zagreb, Vol. IV], Zagreb 1957, pp. 169–189; Šidak, Regia scientiarum academia (n. 77), p. 74.

103 Josip Galjuf, the bishop of Zagreb, officially pleaded with the Queen in 1774 to establish a university in Zagreb. He even built a "tall building" intended to house the university. The Queen consulted the Croatian Royal Council on that

foundation of the new Royal Academy of Legal Science in 1850 in place of the former Royal Academy of Sciences, abolished the same year, was not the result of these efforts nor did it satisfy them. It nevertheless paved the way for future developments.

## VII *The Royal Academy of Legal Science and attempts to establish the university*

### 1. Foundation of the Royal Academy of Legal Science

The March Constitution 1849, that partly accepted the liberal achievements of 1848, laid down the groundwork for the modernisation of the Monarchy within an absolutist framework. One of its crucial elements was the reform of education. The reform had been prepared in Vienna in 1848 on the basis of the Prussian liberal reforms. To its main provisions belonged the restoration of freedom of learning and instruction at universities where the best minds should be educated in the Catholic spirit. Grammar schools were to be transformed into schools of general education that prepared for university education. For this reason, grammar schools were extended from six to eight years: the two-year courses of philosophy taught previously at royal academies of sciences were integrated into the grammar schools as their seventh and eight classes.<sup>104</sup>

The reform was carried out in 1850 by Count Leo Thun, Minister of Religion and Education in the Imperial Government. In Croatia-Slavonia, the Royal Academy of Sciences in Zagreb was abolished and its two-year course of philosophy transferred to the Principal Grammar School. The Royal Academy of Legal Science based on three-year courses was founded instead.<sup>105</sup> The new Academy remained the only institution of higher education in Croatia until the foundation of the University in 1874.

The Royal Academy of Legal Science was meant to be a transitional solution towards a creating law course of uniform character for all students in Austrian lands. The unified principles of teaching were to be launched

issue. However, no response of the Royal Council has ever been found. Certain indications that the university should be built "in this region" appeared already in 1770. In the 19<sup>th</sup> century, the establishment of a university was demanded by the Sabor and this was also among the demands of the Croatian petition of rights of 1848 *Zabtijevanja naroda* ("The Demands of the People"). Bayer, *Osnivanje Pravnog fakulteta* (n. 64), pp. 224–225; Šidak, *Regia scientiarum academia* (n. 77), pp. 59, 73–74.

<sup>104</sup> Gross, Počeci (n. 60), pp. 304–305.

<sup>105</sup> Gross, Počeci (n. 60), pp. 307; Šidak, *Regia scientiarum academia* (n. 77), p. 75.

after improvements in the level of education in Hungary, Transylvania, and Croatia-Slavonia.<sup>106</sup> The organisation of the Academy in Zagreb was based on the Provisional Statute established by the Ministry of Religion and Education in Vienna. Accordingly, it was to be valid "until it became possible to transform the said academy into a proper faculty with academic freedom of learning and instruction".<sup>107</sup> The professors were directly subordinate to the principal, who submitted his reports to the Ministry of Education in Vienna via the Ban.<sup>108</sup>

At the beginning, the students were not forced to follow any set curricula. However, it was obligatory for them to attend 15 hours of lectures a week. *Tentamina publica* and examinations were replaced by semester and yearly examinations. The Statute prescribed that the lecturers should teach two hours a day in the Croatian ("Illyric") language and only exceptionally in Latin, if a suitable professor could not be found. By the King's decree all subjects were divided among the four professors that were transferred from the previous Faculty of Law. Lecturers in Austrian civil law and Austrian penal law were appointed subsequently, thus raising the number of professors to six. In 1853, the Royal Academy of Legal Science, with its 33 enrolled students, took the third place among five similar institutions in the Monarchy.<sup>109</sup>

The teaching plan of the Academy was regulated by the Ministry of Religion and Education in Vienna in a pragmatic spirit. Accordingly, twelve subjects that were needed by civil servants, public notaries, and lawyers should be taught: philosophy of law with an encyclopaedic introduction into legal and administrative sciences, penal law and penal procedure, private law valid hitherto, Austrian civil law, commercial and exchange law, theory of statistics, general European and Austrian statistics, Austrian national law, political sciences, mineral exploitation law, canon law, theory of procedures in civil suits with new laws issued in Croatia and Slavonia, and the analysis of

<sup>106</sup> Gross, Počeci (n. 60), p. 312.

<sup>107</sup> Provisional statute of the Academy, see quoted in Klaić, *Preteče Sveučilišta* (n. 25), pp. 35–36.

<sup>108</sup> See the ministerial decree "Razpis ministarstva bogoštovja i nastave od 2. listopada 1855, krieptan za svekoliku cesarevinu, kojim se proglašuju ustanove previšnje odluke od 25 rujna 1855 o uređenju pravoslavnih i državno-znanstvenih nauka na austrijskih sveučilištih i pravnih akademiah, i ujedno izdaju niekoji overšbeni propisi, proiztičući neposredno iz pomenutih onih ustanovah", in the official gazette for Croatia-Slavonia: *Zemaljsko-vladni list za kraljevine Hrvatsku i Slavoniju*, 1855 [Paper of the Provincial Government for the Kingdoms of Croatia and Slavonia], Zagreb 1855, pp. 369–380.

<sup>109</sup> The academy in Posonii (today Bratislava) with 72 students was the largest one. Klaić, *Preteče Sveučilišta* (n. 25), p. 43.

financial and administrative regulations issued for this Kingdom. Alongside these subjects, forensic medicine was also taught from 1849 onwards.<sup>110</sup> It is interesting that the compulsory course in Austrian civil law based on the *Allgemeines Bürgerliches Gesetzbuch* (ABGB) had been introduced before it was imposed in Croatia-Slavonia (1852/53) as *Opći građanski zakonik* (OGZ). The first professor was Andrija Gostiša, a Slovenian who obtained his doctoral degree in Vienna. He taught till 1864 when he was appointed as a high judicial official in Zagreb.<sup>111</sup>

The teaching plan was improved in 1852. In the same year the Chairs of Canon Law and Roman Law were established. However, no one applied for the lectureship in Roman law and therefore it had to be conferred on the professor of Austrian national law. Some significant improvements came with the new regulation of Austrian universities and law academies of 1855. It provided for the introduction of new courses at the Academy of Legal Science, a strict schedule and the compulsory attendance of lectures. The new compulsory courses were political economics, Hungarian-Transylvanian law, Austrian statistics and public finances. Optional courses were feudal law, history of particular Austrian lands, and state accounting.<sup>112</sup> In September 1856, a course in the history of the Austrian Empire was introduced, within which elements of Croatian history were taught as well.<sup>113</sup>

The regulation of 1855 permitted the direct transfer from the Academy to a university. After three years' education at the Academy students could attend two further semesters at a university, take "rigorous exams" there and receive an academic degree (doctorate). However, such regulations still motivated better students to enrol directly at foreign universities and led to a further decrease in the number of students at the Academy. It also made necessary the employment of second-class teaching staff at the Academy and on a lower educational level. Even by 1852, the director of the Academy, supported by the Ban, pleaded for the introduction of "proper faculty studies" with the freedom of learning and instruction and the right to confer academic degrees.<sup>114</sup> But instead, the reform of 1855 imposed additional constraints. It provided that, instead of two semesters, as many as four had to be spent at

110 Klaić, *Preteče Sveučilišta* (n. 25), p. 36.

111 Stipković (n. 75), pp. 72–73.

112 See *Razpis ministarstva bogoštovja i nastave od 2. listopada 1855* (n. 108), pp. 373–374.

113 Dalibor Čepulo, *Matija Mesić i Pravoslavna akademija u Zagrebu – djelatnost na Akademiji, nastava povijesti i kanonskog prava (1856–1874)*, in *Časopis za suvremenu povijest* 29 (1997), 3, pp. 457–467, here pp. 462–465.

114 Gross, *Počeci* (n. 60), p. 313.

university under special supervision by the dean, as a precondition for taking rigorous examinations.<sup>115</sup> Moreover, from 1855 to 1861, German was imposed as the teaching and official language at the Academy. Professors were obliged to teach in German and only at the very beginning were they allowed to help students by teaching in the "Illyric" language. They were also required to submit a concept of their lectures in German.<sup>116</sup>

Thus, even though legal education at the Academy was improved, especially compared with the education system at the old Academy, it was still far below the expectations and needs of the political and cultural elite of Croatia. The main purpose of the Academy of Legal Science was not to advance a broad academic knowledge, but to train practically needed administrative and legal staff and to prepare the ground for the legal unification of the whole Monarchy. Therefore, it could not become a nucleus of enlightenment and stimulate the progress of society nor could it legitimise the maturity of the national culture in regard to the environment. The establishment of the Academy only gave impetus to further attempts toward university reforms.

The end of absolutism in 1859 and the partial restoration of constitutionality in 1860 did not, however, bring any essential changes to the position of the Academy of Legal Science. It remained subordinated to the Croatian Council of Lieutenancy (established in 1854) which was subjected to the newly established Croatian Court Dicastery (1860) to be replaced by the Croatian Court Chancery (1862) in Vienna. The Croatian Council of Lieutenancy regulated salaries and rewards, controlled the bills, decided on appointment of teachers at the Academy, on vacancies etc. The teachers at the Academy held the status of state officials and any political activity on their part was therefore considered undesirable and could cause their dismissal.<sup>117</sup>

115 *Razpis ministarstva bogoštovja i nastave od 2. listopada 1855* (n. 108), p. 374.

116 Klaić, *Preteče Sveučilišta* (n. 25), p. 46.

117 See the official letters of the Council of Lieutenancy to the Directorate of the Academy of 15 November 1861 (Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija [Royal Legal Academy. Academy of Legal Science], Spisi, XV, 131), of 3 January 1862 (Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija [Royal Legal Academy. Academy of Legal Science], Spisi, XVI, 1), and of 27 December 1863 (Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija [Royal Legal Academy. Academy of Legal Science], Spisi XVI, p. 246).

2. Attempt to establish a university in 1861 and the reconstitution of the Academy of Legal Science in 1868

The return of constitutionality in Croatia was seen as an opportunity to establish modern national institutions and to promote education and culture. Among the most important goals of national politics at that time were the improvement of education and the foundation of elite cultural institutions (university, academy of arts and sciences, national museum). On a symbolical level, this meant the verification of maturity of the Croatian culture, since it was capable of developing such institutions on its own. On a functional level, it was supposed to support enlightenment and the general progress of the still backward society and contribute to the national integration of the politically disunited Croatian corpus, especially with regards to Dalmatia.

These issues were part of very intensive but fruitless activities of the Croatian Sabor of 1861, largely influenced by the National Party (*Narodna stranka*). The political ideas shared by bishop Josip Juraj Strossmayer and other leaders of the National Party were formed during the year 1840 in the spirit of *Illyrianism*. In 1860 they were transformed into the more realistic but still romantic ideal of the South-Slavic “reciprocity” combined with liberal attitudes. Accordingly, the Law on Public Primary Schools, the Law on the Yugoslav University in Zagreb, and the Law on the Yugoslav Academy of Arts and Sciences enacted in the Sabor 1861 were considered to be of the greatest importance. The Law on the Yugoslav University provided for a university with four faculties (philosophy, theology, law, medicine) and teaching plans based on the Austrian model.<sup>118</sup>

The University and the Academy of Arts and Sciences were to be built in the spirit of “Yugoslav reciprocity” (i. e. South-Slavic solidarity) that primarily referred to Croats and Serbs but included Slovenians and Bulgarians as well. The above-mentioned cultural institutions should form the nuclei of the

118 The following courses were envisaged at the Faculty of Law: Encyclopaedia of Law, Positive National Law of the Triune Kingdom, Policy together with Positive Law, Statistics of the Triune Kingdom, Croatian-Hungarian Law, Roman Law, General History of Slavic Law with Special Emphasis on the Law of South Slavs, Canon Law, Civil Law, Penal Law and Procedures, Exchange, Commercial and Maritime Law and Civil Suits. See the Sabor's Article LXXXIV: 1861 on the foundation of the Yugoslav university in Zagreb, in: *Spisi saborski sabora kraljevinah Dalmacije, Hrvatske i Slavonije od god. 1861, Dio I* [Acts of the Diet of the Kingdoms of Dalmatia, Croatia and Slavonia], Zagreb 1862, pp. 87–101. See also the minutes of the Sabor 1861: *Dnevnik Sabora trojedne kraljevine Dalmacije, Hrvatske i Slavonije god 1861* [Acts of the Diet of the Kingdoms of Dalmatia, Croatia and Slavonia], Zagreb 1862, pp. 782–798.

South-Slavic cooperation, and it was considered a responsibility of the Croats – the nation with the most developed and continuous cultural tradition of its own – to establish such institutions. The latter was also supposed to become a beacon for the Slavs in the Ottoman Empire (i. e. in Bosnia and Herzegovina, Serbia, Montenegro, and Slavic Macedonia) who had been isolated from the European cultural processes for centuries. So it was a “mission” of the Croats – and not of the Germans, Hungarians or Italians – to transfer European culture and enlighten the oppressed Slavic nations of similar blood in the Ottoman Empire. The Academy was to be a meeting point and a generator of the South Slavic cultural development. It was supposed to be backed by the University as a higher educational centre of the South Slavs.

Though the principal ideas of these politics respected cultural ties, they also adopted semi-elaborated concepts about the political union of the South-Slavic nations that in a distant future should form a kind of federalist unit within the Habsburg framework. A lesser ambition of the new university was to become a centre of learning for the Croatian students from Dalmatia who traditionally studied in Padua, which had not been part of the Habsburg Monarchy since 1866.<sup>119</sup>

The Sabor 1861 was soon dissolved because of its refusal to accept the centralised reorganisation of the Monarchy proposed by the Court. The enacted laws, including the laws on the university and on the academy of sciences and arts, were denied the King's sanction. They were again discussed at the Sabor in 1865. In 1866 – at the moment when various options of reorganisation of the Monarchy were still under discussion – the King permitted the opening of the Yugoslav Academy of Sciences and Arts. As to the foundation of the university, he only provided in 1867 that the Academy of Legal Science should be extended to offering a four-year course based on a university curriculum with the unconditional right of the students to take rigorous examinations at some Austrian university. This was to be only a transitional form toward establishing a university. However, the King indicated that a precondition for the foundation of a university was the settling of the sub-dual compromise of the Croatian Sabor with the Hungarian Diet in the framework of the Austrian-Hungarian Compromise. Yet in 1867 the Sabor explicitly refused such a political arrangement and declared insufficient the King's offer regarding the reconstitution of the Academy.<sup>120</sup> It was obvious that the foundation of the university was part of more complex political issues.

119 On South-Slavic reciprocity, Yugoslav orientation of the National Party, and attempts to establish a university and an academy of sciences and arts in 1860s see Mirjana Gross and Agneza Szabo, *Prema hrvatskom građanskom društvu* [Towards the Croatian Civil Society], Zagreb 1992, pp. 149–150, 415–416.

120 Gross and Szabo, *Prema hrvatskom* (n. 119), p. 416.

However, the election of the new Sabor in 1868 was won by the pro-Hungarian Unionist Party which accepted the King's proposal. The latter was then put into force already in September 1868. Soon afterwards the same Sabor concluded the Croatian-Hungarian Compromise.

The reconstitution of the Academy was based on the above-mentioned Austrian university regulation of 1855.<sup>121</sup> Consequently, the first two years consisted of introductory subjects while in the following two years positive law and administrative disciplines were taught. For this reason, eight new principal "professorial chairs" were established: Roman law, legal history, canon law, civil law, civil procedure, penal law, two chairs of political sciences and "if means allow" a chair of history and philosophy. The last two chairs were meant to form the nucleus of the future Faculty of Philosophy. The Legal Academy was supervised by the department of education of the Croatian Autonomous Government founded in 1869.<sup>122</sup>

The reconstitution of the Academy provided for the following curriculum:<sup>123</sup>

1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year
legal history (two semesters)	canon law (two semesters)	Austrian civil law (one semester)	Austrian civil procedure (one semester)
Roman law (two semesters)	ethics (one semester)	penal law (one semester)	non-contentious civil procedure (one semester)
Austrian history (two semesters)	history of Slavic law (one semester)	penal procedure (one semester)	constitutional and administrative policy (one semester)
	Croatian-Hungarian private law (one semester)	national economics (one semester)	Austrian mineral law (one semester)
	philosophy of law (one semester)	public finances (one semester)	Austrian statistics (one semester)
	encyclopaedia of law (one semester)	international and public law (one semester)	practical exercises in penal procedure (optional)
	European statistics (one semester)		Austrian financial legislation (optional)
	feudal law (one semester)		practical exercises in civil procedure (optional)
			forensic medicine (optional)
			state accounting (optional)

121 Razpis ministarstva bogoštovja i nastave od 2. listopada 1855 (n. 108).

122 See the journal of the Sabor: *Dnevnik Sabora trojedne kraljevine Dalmacije, Hrvatske i Slavonije držane u glavnom gradu Zagrebu god. 1868* [Acts of the Diet of the Kingdoms of Dalmatia, Croatia and Slavonia], Zagreb (s. a.), p. 86.

123 See the complete curriculum in the journal of the Sabor: *Dnevnik Sabora 1868* (n. 122), p. 87.

Further steps towards Austrian university standards were the replacement of annual and biannual examinations by state theoretical examinations and the introduction of the university's *index lectionum*. This was finally put into practice in 1870–1871, but not before persistent pressure had been exerted on the government by the professors' council.<sup>124</sup>

There were three theoretical examinations. The first examination in legal history could be taken after the fourth semester and embraced Roman law, canon law, and general legal history in connection with the legal history of the Austro-Hungarian Empire. The judicial and administrative examinations were to be taken later. As it was already projected, rigorous examinations at some of the Austrian universities could be taken without any preconditions except for the records of the achieved study results.<sup>125</sup>

However, this normative project, aimed at forming a transitional academic course of study and not just at improving the level of high school education, met with serious problems. The lack of qualified teaching staff as well as financial problems, political instability during the period after the Croatian-Hungarian Compromise, strict administrative control by the Croatian Government, and the intolerant rule of the pro-Hungarian Ban Levin Rauch further aggravated the situation. Thus, due to the problem regarding teaching staff the curriculum could not be fully applied. This can be illustrated by the fact that the professor of criminal law and criminal procedure left the Academy after only several weeks while a supplementary lecturer in international law resigned even before having taken up the post.<sup>126</sup>

During the Academy's life, almost every lecturer taught several different subjects. Overburdened with teaching and hampered by constantly changing working conditions, lecturers could hardly achieve any outstanding results. To make matters worse, there was a constant fluctuation of lecturers, so that

124 See the official letter of the Department of Religion and Education of the Autonomous Government of 15 January 1871, in: *Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija akademija* [Royal Academy of Sciences. Academy of Legal Science], Spisi, XXI, p. 39. See also the minutes of the professors' council of 22 February 1871, in: *Croatian State Archives, Zagreb; Kraljevska akademija znanosti. Pravoslavna akademija* [Royal Academy of Sciences. Academy of Legal Science], Spisi, II.

125 The examination material indicates that descriptive evaluation was customary among professors. Thus one can find comments like "poor", "no good at all", "there is much that does not belong here", "good", "satisfactory", "quite sufficient". See the document of 29 June 1872, in: *Croatian State Archives, Zagreb. Kraljevska akademija znanosti. Pravoslavna akademija* [Royal Academy of Sciences. Academy of Legal Science], Spisi, XXII, p. 205.

126 Čepulo, Pravni fakultet u Zagrebu (n. 12), p. 73.

in the twenty-five years of the Academy's existence about twenty-five lecturers of different status passed through it. Some professors were appointed to high judicial or administrative posts while others displayed various "deficiencies" on the political level (being members of political opposition)<sup>127</sup> or on a personal level.<sup>128</sup>

During the existence of the Academy only two manuals written by its teaching staff were published, one on the encyclopaedia of law and one on mineral exploitation law. The first one was written by the supplementary teacher Mirko Mikulčić (1842–1909), a person of unconventional social and intellectual interests who was expelled from the Academy because of his unconventional mode of life.<sup>129</sup> His manual remained in use for a long time and was based on the manual of Tivadar Pauler, professor at the Academy of Legal Sciences in Győr, who had previously taught that subject in Zagreb from 1835 to 1848.

It was obvious that neither the number of teaching staff at the Legal Academy nor the quality of some of them could satisfy more demanding requirements. For this reason talented students were sent to finish their study in Vienna with the obligation to return to Zagreb and to teach at the Academy for the following ten years. Most of them actually did take posts at the Academy of Legal Science and then at the University.<sup>130</sup>

But in spite of all these problems, the Academy of Legal Science prepared the ground for establishing the University and the Faculty of Law in 1874. The teachers from the Academy were appointed at the Faculty of Law, except

127 Supplementary lecturers of Roman Law and General Legal History were dismissed by the Autonomous Government because of their oppositional activities. Dalibor Čepulo, *Pravo, povijest i društvo: Opća povijest prava (1868–1874) na Pravoslavnoj akademiji u Zagrebu (1850–1874)* [History, Law and Society: General Legal History (1868–874) at the Academy of Legal Science in Zagreb (1850–1874)], in: *Zbornik Pravnog fakulteta u Zagrebu* 43 (1993), pp. 727–754, here pp. 735–736.

128 See the case of Mirko Mikulčić, below n. 129.

129 The "eternal" supplementary teacher Mirko Mikulčić was expelled from the Academy after the police had reported to the director of Academy that Mikulčić lived with a former prostitute accused of some petty theft. It seems that his later application for the professorial post at the University was simply ignored. He continued to work as a lawyer in a nearby town, then as judge at first-degree and second-degree courts. He occupied himself with astrology and spiritism on which he wrote popular articles and for a short time published a magazine. On Mikulčić see Čepulo, *Pravo, povijest i društvo* (n. 127), pp. 735–736, 746–747; see also biographical articles in Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 551–554.

130 Klaić, *Preteče Sveučilišta* (n. 25), p. 48.

one who retired and another one who was not nominated because of his professional inabilities regarding the new function.<sup>131</sup>

## VIII *The University of Zagreb and the Faculty of Law 1874–1918*

### I. Organisation and professors

The foundation of the University was more or less a matter of time after the reconstitution of the Legal Academy in 1868. Thus, on the occasion of the King's visit to Zagreb in 1869 the Sabor enacted the Law on the Foundation of the University in the capital Zagreb. That law was soon sanctioned, but, due to his incompleteness, further regulations were necessary before the university could be opened. However, organizational as well as financial problems slowed down any activities in this direction. The situation improved only after 1873 when the opposition National Party reached a compromise with the Hungarian government and when the reformist politician Ivan Mažuranić was appointed to the post of Ban. The opening of the university was among his priorities, due to which the Law on the Foundation of the University of Franz Joseph I in Zagreb was enacted at the Sabor in January 1874. The University consisted of three faculties: philosophy, theology and law. The Faculty of Medicine was to be opened when "circumstances would allow it", which primarily regarded matters of finance. For this reason it was established only in 1917.<sup>132</sup>

The University was opened by the Ban Mažuranić on 19 October 1874 in a great ceremony. The most prominent among a large number of guests from European universities was Rudolf Gneist, professor of law and Rector of Berlin University.<sup>133</sup>

131 See the official letter of the Department of Religion and Education of 12 September 1874, in: Croatian State Archives, Zagreb. *Kraljevska akademija znanosti. Pravoslavna akademija* [Royal Academy of Sciences. Academy of Legal Science], *Spisi*, XXIV, p. 232.

132 See the University Organisation Act of 1874, i.e. *Zakonski članak sabora kraljevina Dalmacije, Hrvatske i Slavonije od 5. siječnja 1874, ob ustrojstvu sveučilišta Franje Josipa I. u Zagrebu*, in: *Spomenica na svetčano otvaranje Kralj. Sveučilišta Franje Josipa I u Zagrebu* (n. 10), pp. 49–69; Jaroslav Šidak, *Sveučilište do kraja prvoga svjetskoga rata*, in: *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagreb*, Vol. I (n. 10), p. 102.

133 See *Spomenica na svetčano otvaranje Kralj. Sveučilišta Franje Josipa I u Zagrebu* (n. 10), pp. 114–123.

The Act on University Organisation of 1874 set down the concept of study that has remained the basis of legal study:<sup>134</sup>

1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year
history and institutions of Roman law (two semesters)	Croatian-Hungarian private law (one semester)	civil law (one semester)	civil procedure and non-contentious civil procedure (one semester)
general legal history (two semesters)	philosophy of law (one semester)	economics and financial science (one semester)	commercial law, exchange law and maritime law, constitutional and administrative policy (one semester)
encyclopaedia and methodology of law (one semester)	canon law of the Catholic Church (two semesters)	penal law (one semester)	statistics of the Austro-Hungarian Monarchy with special reference to the statistics of the Triune Kingdom (one semester)
	canon law of the Greek-Eastern Church (one semester)	penal procedure (one semester)	
	Croatian-Hungarian public law with special reference to the Austrian public law (two semesters)		
Optional courses: mineral exploitation law, administrative sciences, financial sciences, general statistics, feudal law, general public and international law, forensic medicine, public accounting; optional exercises in civil and penal law			

The amendments of 1918 to the Act on University Organisation curtailed the university's autonomy but did not bring any essential changes to the course of studies.<sup>135</sup> In the meantime they adopted the changes decreed by the

134 Milivoj Maurović and Marko Kostrenčić, *Juridički fakultet*, in: *Sveučilište Kraljevine Srba, Hrvata i Slovenaca u Zagrebu 1874–1924. Spomenica Akademikoga senata* [The University of the Kingdom of Serbs, Croats and Slovenes in Zagreb 1874–1924. Memorial of the Academic Senate], Zagreb 1925, p. 96; Also see the University Organisation Act of 1874 (n. 132).

135 Zakon od 6. listopada 1894 kojim se preinačuju odnosno nadopunjuju neke ustanove zakonskog članka sabora kraljevine Hrvatske, Slavonije i Dalmacije od 5. siječnja 1874 o ustrojstvu Sveučilišta Franje Josipa I. u Zagrebu, in the official gazette: *Sbornik zakona i naredaba valjanih za kralj. Hrvatsku i Slavoniju* [Laws and Orders valid for the Kingdoms of Croatia and Slavonia], Zagreb 1894, pp. 463–473.

government and provided a complete list of subjects, moderately changing the teaching plan.<sup>136</sup>

Zagreb University was modelled on Austrian universities. It was a state university supervised by the Croatian Autonomous Government. Its autonomy related mainly to teaching matters while its financial policy and administration were under the control of the state.

The first rector and his successor were elected by all professors from the three faculties. Later, however, rectors with a one-year mandate were elected by four-member delegations of the professors' council consisting of the full number of professors from each faculty.<sup>137</sup>

At the faculties, all full professors, associate professors (the latter only up to half the number of full professors), and representatives of lecturers constituted the professors' council, which annually elected a dean with a one-year mandate. In 1874 three professors were directly appointed to each faculty forming the professors' council that further decided on proposed candidates for other professorial posts. The minutes of the Academic Senate and professors' council were submitted to the government's Department of Religion and Education.

The nomenclature of the teaching staff included full, associate and honorary professors ("very deserving men in the field of science"), private lecturers, supplementary teachers, and ordinary teachers; the latter taught some scientific fields or skills, especially languages. Full professors were obliged to teach at least eight hours a week. Associate professors had to teach "subordinate subjects" but soon were obliged to teach regularly at least six hours a week. From 1894 full professors had to give public lectures on some chosen topic from their main field of interest or on some other matter.

Full and associate professors held the status of royal civil servants. They were appointed by the King on the proposal of the professors' council that was submitted to the Ban through the Senate. Professors were elected through competitions, but exceptionally eminent scientists could be nominated by invitation.

This regime was changed during the authoritarian rule of Ban Karoly Khuen-Héderváry. Politically motivated amendments of the Act on University Organisation of 1894 empowered the government to propose its own candidates to the King independently of the professors' councils, while new

136 Zakon od 12. rujna 1918 o preinačenju zakonskog članka od 5. siječnja i novele k tomu zakonu od 6. listopada 1894, in the official gazette: *Sbornik zakona i naredaba valjanih za kralj. Hrvatsku i Slavoniju* [Laws and Orders valid for the Kingdoms of Croatia and Slavonia], Zagreb 1918, pp. 423–430.

137 See Spomenica o 25-godišnjem postojanju Sveučilišta Franje Josipa (n. 10), p. 11.



chairs could be established only by the government.<sup>138</sup> It is noteworthy that, according to one contemporary, the author of this amendment was Josip Pliverić, professor of public law and one of the leading supporters of the government. He particularly advocated the provision on the government's right to nominate its own candidates.<sup>139</sup> These two provisions further curtailed the already limited autonomy of the University. Cases in which professors were nominated against the will of the professors' council were related rather to the Faculty of Philosophy, but it seems that the Ban's informal influence was decisive also in the appointment of several professors at the Faculty of Law.<sup>140</sup> Professors of law were usually politically active, mostly on the government's side but also on the side of the opposition. In several cases critical speeches which professors delivered as deputies at the Sabor were sanctioned by suspensions and, indirectly, by forced retirement.<sup>141</sup>

The professorial nomination was preceded by the procedure of habilitation for the post of private lecturer. The habilitation candidates usually received scholarships from the government and spent some time at foreign universities; they mostly went to Vienna, Prague and some German universities.<sup>142</sup>

Zagreb University was funded by the state and the professors were placed into administrative classes. Until 1894, state funding was supplemented by money from "tuition fees" paid by the students. In a solution that followed the rules of the Austrian regulation of 1850, students paid fee for any lectures they attended and also for the number of hours for which they enrolled. In practice, the financial circumstances of the students were taken into con-

138 Šidak, *Sveučilište* (n. 132), pp. 105–106.

139 Branko Vodnik, O autonomiji Sveučilišta Kraljevine Srba, Hrvata i Slovenaca u Zagrebu [On the Autonomy of the University of the Kingdom of Serbs, Croats and Slovenes], in: *Jugoslavenska knjiva* 7 (1923), knj. I, p. 127.

140 Iso Kršnjavi, a former head of the Department of Religion and Education and close collaborator of the Ban Kluen-Héderváry (later he joined the opposition), described how the Ban set up his candidates for professorial posts at the Faculty of Law, namely Josip Šilović and Nikola Tomašić. See Iso Kršnjavi, *Zapisci* [the Notes], I, Zagreb 1986, pp. 299–300, 376; on Josip Šilović and Nikola Tomašić see further in this article.

141 Professors Blaž Lorković, Fran Vrbanić and Konstantin Vojnović were suspended and professor Vojnović retired. On these professors see below.

142 Of those who did not go to Vienna and Prague Janko Čakančić specialised in penal law in Vienna and Berlin, Dragutin Čupović specialised in penal procedure in Berlin and Budapest, Ivo Čakančić specialised in penal law in Berlin, Marko Kostrenčić specialised in legal history in Prague, Warszawa, Lvov and Vienna, Ladislav Polić specialised in public law in Heidelberg, Franjo Spevec specialised in legal history in Leipzig and München, Josip Šilović specialised in penal law in Vienna, Leipzig, Bologna and Naples. Pavić, *Pravni fakultet u Zagrebu*, knj. 3 (n. 12), passim; Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), p. 133.

sideration and large number of law students, often exceeding half of those enrolled, were exempted. However, this system was often criticised as outdated and inadequate, especially in regard to the cogent nature of the teaching plan introduced by the governmental decree of 1891. Because of that, the Act of 1894 raised the salaries of the academic staff and turned teaching fees into semester fees paid to the national treasury.<sup>143</sup>

The fact that the university's organisation and curricula were fashioned after the Austrian model rendered a peculiar solution possible. In 1875 the Croatian government prescribed the subsidiary validity of the Austrian university law.<sup>144</sup> The main goal was to open up the possibility for Croats from Dalmatia and Istria to study at Zagreb University. In the beginning, it was believed that, with regard to the equal system and organisation of work at the University, reciprocity with Austrian universities would be achieved rapidly. Yet, despite all efforts, it was not until 1878 that some modest results were achieved. Namely, the students from Croatia-Slavonia were restored the "privilege" of taking rigorous examinations at Austrian universities without any preconditions.<sup>145</sup> In fact, it was the same privilege granted to the Academy of Legal Science in 1868. This privilege was then extended to the students from Istria and Dalmatia, but on the condition that, in order to take a position in the civil or public services in Austria, they had to pass the judicial and administrative state examinations and all rigorous examinations at an Austrian university.<sup>146</sup> Even though some additional measures were undertaken to facilitate studies for such candidates in Zagreb, visible results came were achieved only at the beginning of the 20<sup>th</sup> century.<sup>147</sup> Full reciprocity has never been achieved.

The foundation of the University led to the establishment of the National and University Library into which the library holdings of the former library of the Academy of Legal Science (21,642 volumes) and the library of the National Museum (16,500 volumes) were merged.

143 Vjekoslav Klaić, Postanje i razvitak Sveučilišta, in: *Sveučilište kraljevine Srba, Hrvata i Slovenaca u Zagrebu 1874–1924* (n. 10), p. 67.

144 See the order of the Autonomous Government from 21 April 1875, in: Croatian State Archives, Zagreb. Pravni fakultet Sveučilišta u Zagrebu, *Opći spisi*.

145 See the King's decree from 25 October 1878 in: *Akademički propisi za porabu slušalaca na kr. hrvatskom sveučilištu Franje Josipa I. u Zagrebu* [Academic Regulations for the Use of Listeners at the Royal Croatian University of Franz Joseph I in Zagreb], Zagreb 1887, pp. 100–101.

146 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 7–9; Maurović and Kostrenčić, *Juridički fakultet* (n. 134), p. 62; Šidak, *Sveučilište* (n. 132), p. 105.

147 Šidak, *Sveučilište* (n. 132), pp. 104–105; Rudolf Signjar, *Statistika Sveučilišta*, in: *Sveučilište kraljevine Srba, Hrvata i Slovenaca u Zagrebu 1874–1924* (n. 10), p. 252.

## 2. Curriculum and chairs

The system of legal studies in Zagreb applied even more consistently the Austrian model of 1855 that had already served as the basis for the Academy of Legal Science.<sup>148</sup> The name of the Faculty itself *Pravo- i državoslovni fakultet* – a translation of the *Rechts- und Staatswissenschaftliche Fakultät* – reflected the concept of the course of study. The Faculty brought together legal and administrative disciplines and educated legal and administrative staff, i. e. future government clerks and elite civil servants as well as lawyers and judges who first had to pass additional professional verification.

The Faculty of Law not only educated legal practitioners but also provided a broader education in the social sciences. In the first four semesters the historical and theoretical basis of the study of law was taught as an introduction to the study of legal and administrative subjects. The curriculum, defined in 1874, was enriched and differentiated through the period. In 1900–1901 it was organised in the following way:<sup>149</sup>

1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year
history and institutions of Roman law (one semester)	Pandect law (two semesters)	general civil code / civil law (two semesters)	exchange law (one semester)
general legal history (two semesters)	canon law of the Catholic Church (two semesters)	penal law (two semesters)	commercial law (one semester)
encyclopaedia and methodology of law (non-compulsory)	canon law of the Greek-Eastern Church (one semester)	national economy (two semesters)	civil procedure with special reference to the Austrian law (one semester)
Croatian-Hungarian private law (one semester)	Pandect law – special course (one semester)	administration of national economy (one semester)	bankruptcy law (one semester)
	philosophy of law (non-compulsory)	public finances (one semester)	non-contentious civil procedure (one semester)
	general statistics (one semester)	general public law (one semester)	administrative science and Croatian-Hungarian administrative law with special reference to the Austrian administrative law (one semester)

148 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10) pp. 2, 37–38; Maurović and Kostrenčić, *Juridički fakultet* (n. 134), p. 96.

149 Cf. the curriculum in: Maurović and Kostrenčić, *Juridički fakultet* (n. 134), p. 97.

		Croatian-Hungarian public law with special reference to the Austrian public law (one semester)	
		statistics of the Austrian-Hungarian Monarchy with special reference to Croatia-Slavonia (one semester)	

The organisational units of the law course were traditionally the chairs that embraced several related subjects. As a rule, one full professor held one chair, but professors were sometimes transferred temporarily or permanently from one chair to another, especially after one had fallen vacant. When a chair was not filled, lectures were also held by private lecturers, who were usually high administrative or judiciary officials.

The system of chairs has not gone through substantial changes. However, chairs were differentiated and separated in the course of time, new chairs being introduced, old ones adapted to new circumstances and certain subjects being moved from one chair to another.<sup>150</sup>

150 In 1874, the following chairs were established: Chair of Roman Law, which until 1897 included courses in Pandect law and in the history and institutions of Roman law; Chair of General Legal History, Encyclopaedia and Methodology of Law that from 1894 also embedded Croatian-Hungarian private law; Chair of Canon Law of the Catholic and Greek/Orthodox Church; Chair of General Civil Law that until 1897 also included general Austrian civil law; Chair of Civil and Non-contentious Procedure and (until 1894) Croatian-Hungarian Private Law; Chair of Penal Law, Penal Procedures and Philosophy of Law; Chair of General Public Law, International Law and Croatian-Hungarian Public Law; Chair of National Economy (until 1906), Finance and (until 1897) Constitutional and Administrative Policy; Chair of Commercial and Exchange Law and Statistics within which maritime law was taught separately from 1910. In 1892 the subject of constitutional and administrative policy was disassociated from the Chair of National Economics and the Chair of Administrative Sciences and Administrative Law was established. In 1897, a second Chair of Civil Law (general Austrian civil law), and a second Chair of Roman Law (history and institutions of Roman law) were established. In the year 1906 some other subjects were also disassociated from the Chair of National Economics and transferred to the newly formed Chair of Finance and Financial Law. That same year a Chair of Criminal Sciences and Sociology was founded. In 1911, Chair of Croatian Legal History was established. Maurović/Kostrenčić, *Juridički fakultet* (n. 134), pp. 102–106; Nikola Tintić, *Pravni fakultet u Zagrebu*, in: *Spomenica u povodu proslave 300-godišnjice Sveučilišta u Zagrebu*, vol II (n. 10), pp. 26–46; Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 43 ff.

Along with the chairs that embraced compulsory and non-compulsory subjects, there were also non-compulsory subjects taught by “part-time lecturers” (“teachers” from 1894). The most important of these subjects was state accounting which was taught as a separate one-semester course, independent of the rest of the course with 15–80 students a year. Yet the results in this case were not a success and the council of the professors demanded in 1907 that the government should separate the course in state accounting from the faculty. However, this was rejected.<sup>151</sup> Other non-compulsory courses were forensic medicine and practical economy which were taught until 1909. In 1916, a course in Bosnian law was introduced and taught till 1930.<sup>152</sup> It is noteworthy that in 1913 the professors’ council requested the Government to establish a Chair of Bosnian Law, motivated by the fact that such a subject existed at the Faculty of Law in Vienna and that there was a necessity to introduce it in Zagreb as well. However, the Government appointed only one lecturer for that subject, which met with the “dissatisfaction” of the professors’ council.<sup>153</sup>

The teaching system was improved in 1886 when the government decree provided for the introduction of seminars modelled on the Viennese example at the Faculty of Philosophy and at the Faculty of Law.<sup>154</sup> The main purpose

151 The professors’ council insisted that the results of the course in state accounting had not justified its university status and that the appointment of a new teacher should be postponed till a person able to habilitate a university teacher had been found. See Maurović/Kostrenčić (n. 134), p. 100.

152 Ljudevit Farkaš (1856–1944), a retired judge of the Supreme Court of Bosnia and Herzegovina, was appointed teacher of Bosnian law. Farkaš was born in Croatia, where he had finished his education, but was appointed to administrative and judicial functions in Bosnia and Herzegovina from 1879. There are indications that he had to retire for political reasons. In 1920, in the newly formed Yugoslav state he was again appointed president of the Supreme Court of Bosnia and Herzegovina. He mainly wrote about land law and inheritance law. Eguen Sladović Sladovički (1882–1960), who taught Bosnian law from 1921 till 1930, followed a similar path. He was born in Dalmatia and graduated in law in Zagreb but from 1914 to 1918 was appointed to the administration of Bosnia and Herzegovina in Sarajevo where he taught administrative and constitutional law at the *Sharia* judicial school (five-year course opened in 1889). He mainly dealt with matrimonial law and civil and commercial law. For biographical articles on Konstantin Farkaš and Eugen Sladović Sladovički see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 2 (n. 12), pp. 111–112, 543–545.

153 Maurović/Kostrenčić, *Juridički fakultet* (n. 134), p. 102; for biographical articles on Konstantin Farkaš and Eugen Sladović Sladovički see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 2 (n. 12), pp. 111–112, pp. 543–545.

154 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), p. 40; Klaić, *Postanje i razvitak Sveučilišta* (n. 143), p. 64; Tintić, *Pravni fakultet* (n. 150), p. 46.

of these seminars was to prepare students for scientific research and to deepen their basic knowledge, rather than to concentrate on practice. Seminars were given each semester by full or associate professors. In principle, seminars accepted full-time students who were able to prove that they were successful in lectures. Seminar work was included in the minimum compulsory hours and a seminar certificate replaced colloquia. Seminar activities included lectures, the writing of papers and their defence. Every year the Government’s Department of Religion and Education rewarded ten of the best seminar papers from each faculty. However, seminar work practically ceased as early as 1892 due to problems with the seminar library and seminar rooms. It was reintroduced again only in 1906 as a result of administrative improvements and increased governmental subsidies for purchasing books. By 1900, seminars were given in Roman law, legal history, general Austrian civil law, while exercises were organised in canon law, political economy and public finances and statistics.<sup>155</sup> Practical annual exercises in penal law and exchange law took place even before the introduction of the seminars.<sup>156</sup>

The differentiation of chairs brought about an increase in the teaching staff at the Faculty of Law. The staff, consisting of five full professors and two associate professors, two private and two part-time lecturers (teachers) in 1874/75 had grown to 14 full professors, seven private and two part-time lecturers and one teacher in 1917/18.<sup>157</sup>

### 3. Teaching subjects

The foundation of the University and the embodiment of legal studies inside the full academic framework resulted in a considerable improvement of legal education. This is clearly shown by the differentiation of the teaching subjects, the improvement of their elsewhere american program and by the enlarged number of well-educated teaching staff whose scientific production was equally extended.

However, not all disciplines developed equally and in the same way. This was due to various reasons ranging from the personality of a certain professor to doctrinal and political considerations.

Civil law was among the well-developed disciplines. Apart from the “standard” civil law substance of that time including family law, the teaching concentrated on the *Opći građanski zakonik*, i. e. the Croatian translation of

155 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 40–42; Maurović/Kostrenčić, *Juridički fakultet* (n. 134), p. 108.

156 Tintić, *Pravni fakultet* (n. 150), pp. 48–49.

157 For statistical data see Signjar, *Statistika* (n. 147), pp. 237 ff.

the ABGB imposed in 1852/53 and tacitly accepted in the Croatian autonomous legal system since 1861.<sup>158</sup> Lectures in civil law also included some special courses like telegraph law, law of authorship and mineral exploitation law.<sup>159</sup> The method of teaching was based on doctrinal explanation and it does not seem that *Falltechnik* (i. e. the case-method) was applied. However, it can be assumed that references to the Croatian judiciary were extensively utilised from the very beginning, because OGZ had already been present in the Croatian judiciary and commentaries of OGZ were most probably used in teaching.<sup>160</sup> It is noteworthy that the first professor of civil law appointed at the University in 1874 was Konstantin Vojnović from Dubrovnik, born in the nearby town of Herceg-Novi in Montenegro. Motives for his appointment can be sought at the crossroads of science and politics. Vojnović had previously practiced law in Split (Dalmatia) and he had also been politically active as deputy in the Dalmatian Provincial Diet where he had supported the National Party and the idea of unification between Dalmatia and Croatia-Slavonia. Because of that, he enjoyed support in Croatia-Slavonia from the influential bishop Josip Juraj Strossmayer who probably intervened on his appointment at the University. As a professor, Vojnović strived hard to facilitate the coming of students from Dalmatia and Istria to Zagreb and it is not by accident that the only success in this regard was reached in 1878, at a time when he was rector. Being an active member of the moderate opposition, Vojnović was temporarily suspended from his professorial post in 1881 because of his critical speech in the Sabor on the problem concerning Rijeka.<sup>161</sup> Unlike him, Franjo Spevec (1855–1918), the most prominent professor of this subject (1892–1918), was one of the leading political supporters of the hungarophile and authoritarian government of Kluen-Héderváry. Spevec specialised in family law and was known for his sharp criticism of church marriage and his defence of civil marriage that corresponded to his freemasonic beliefs. In fact, Spevec began his career as a professor of General Legal History in 1884, but was forced to change the chair after the public reaction always his attack on catholic marriage in the Sabor in 1892.<sup>162</sup> Anyway, professors of civil law were permanently among the most active professors at the Faculty; they participated in the legislative activity of the Sabor, wrote a considerable number of articles and prepared critical editions

158 Čepulo, Building of the modern legal system (n. 14), p. 63.

159 Stipković, O nastavi (n. 75), p. 79.

160 Stipković, O nastavi (n. 75), p. 84.

161 For biographical articles on Konstantin Vojnović see in: Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 311–317.

162 For biographical articles on Franjo Spevec see in: Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 547–560.

of respective laws, the most challenging being critical editions of OGZ. Yet none of them managed to prepare a system of civil law or a systematic manual. Thus they relied on scripts and commentaries on OGZ.

This is also true for the professors of civil procedure law. The first professor of that subject, Aleksandar Bresztyenszky (1844–1904), was “inherited” from the previous Royal Legal Academy. He studied law in Zagreb and Pest where he obtained his doctorate in 1868. Perhaps his education was the reason why he paid particular attention to the topics of Croatian-Hungarian private law within the framework of civil procedure law.<sup>163</sup> On the contrary, the titles of the lectures held by professor Dragutin Čupović, who was appointed in 1897 after studying law in Vienna and Zagreb, indicate strong references to Austrian legislation.<sup>164</sup>

Up to 1894 Bresztyenszky also taught Croatian-Hungarian private law which at that time belonged to the Chair of Civil Procedure. But since the reform of 1894 (which coincided with Bresztyenszky’s retirement) this subject was associated with the Chair of Legal History and was taught by professors of legal history. The material on which it was based was the law valid before the introduction of the ABGB in Croatia-Slavonia in 1852/53, i. e. the Tripartite. The professor of legal history, Milivoje Maurović (1859–1926), who taught Croatian-Hungarian private law from 1894 to 1926 based his lectures on examples from Croatian judicial practice.<sup>165</sup> In any case, it is interesting that since 1850 the material and the name of the Tripartite have been “hidden” behind the names “private law valid hitherto” (up to 1874) and Croatian-Hungarian private law. The principal reason was probably a political one and it was well demonstrated by the foundation of the Kingdom of Serbs, Croats and Slovenes in 1918. Archival material indicates that Maurović advocated in 1919 that this content should continue to be taught as a separate and compulsory subject instead of being included in Croatian legal history. Maurović’s arguments were that the Tripartite was of greatest

163 On the Chair of Civil Procedure until 1918 see Jasna Garašić, Bilješke o nastavnicima građanskog procesnog prava na Pravnom fakultetu u Zagrebu od 1776. do 1996 [Notes on the Teachers of Civil Procedure Law at the Faculty of Law in Zagreb from 1776 to 1996], in: Pavić, Pravni fakultet u Zagrebu, knj. 2, Prilozi za povijest katedri i biblioteke Fakulteta (n. 12), here pp. 35–50; Biographical notes on Aleksandar Bresztyenszky see in: Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 301–327.

164 For biographical articles on Dragutin Čupović see in: Pavić, Pravni fakultet u Zagrebu, knj. 3, sv. 1 (n. 12), pp. 81–86.

165 Nella Lonza, O nastavi hrvatske pravne povijesti na Pravnom fakultetu u Zagrebu prije osnutka zasebne katedre 1911. godine, in: Pavić, Pravni fakultet u Zagrebu, knj. 2, Prilozi za povijest katedri i biblioteke Fakulteta (n. 12), p. 276.

importance for understanding the development of law in Croatia-Slavonia in general as well as for understanding contemporary agricultural relations, especially on the territories that had been part of Hungary prior to 1918. However, the new administration insisted that the title be changed (probably because it was of Hungarian denomination) and thus the subject was finally called “private law of the Tripartite with special reference to legal development in the Croatian and Serbian regions”.<sup>166</sup>

The foundation of the University was followed by a significant development of the disciplines of commercial law and exchange law, unlike in the previous period.<sup>167</sup> Both disciplines were associated with statistics (general statistics and statistics of the Austrian-Hungarian Monarchy with special reference to Croatia and Slavonia) and belonged to the same chair up to 1909. All four subjects were taught by the same professor Fran Vrbanić (1847–1909) who was active in all these fields. Vrbanić wrote two systematic commentaries on commercial law and exchange law which were used as manuals. He also published works in the field of company law but without any significant systematic outcome. Vrbanić’s work on statistics was also very important since he left several systematic studies on Croatian society published as monographs which still serve as an important source.<sup>168</sup>

It was only after Vrbanić’s death in 1886 that the subject of statistics was transferred to the Chair of Public Finances whilst maritime law – previously taught by a professor of administrative science and administrative law – was transferred to the Chair of Commercial Law.

Public financing was significantly improved at the University especially with regard to the objections that the respective course at the Academy of Legal Science had not contributed much to the understanding of the Croatian reality. Professor Blaž Lorković (1839–1892), appointed in 1874, applied theoretical knowledge in interpreting the Croatian reality in his lectures and research as well as in his political activities as a member of the moderate political opposition in the Sabor.<sup>169</sup> Lorković was considered as one of the

leading figures among legal academicians of his time. However, he did not write a systematic work.

Public law was also considerably developed. The main topics in this field were the relations between Hungary and Croatia, analysed primarily on the basis of historical *iura municipalia* and the Hungarian-Croatian Compromise. Professor Josip Pliverić (1847–1907), appointed in 1876, made the most prominent contribution to this field leaving several monographs on the above-mentioned topics in German.<sup>170</sup> These books were primarily intended for German-speaking readers. They discussed the crucial topics of the Croatian constitutional position in regard to Hungary, paying particular attention to the constitutional history of the relations between the two lands. Though Pliverić was a prominent member of the governmental pro-Hungarian party (due to which he was quite unpopular among students), he was very active in explaining the continuity of the Croatian statehood up to contemporary regulations. His main thesis was that Croatia had not only preserved its statehood in the union with Hungary prior to the Croatian-Hungarian Compromise of 1868 but that the Compromise itself established the *unio realis inequalis* between the two lands as two states.<sup>171</sup> He advocated such a position in a friendly polemic with Heidelberg’s professor Georg Jellinek in which he tried to confute Jellinek’s thesis on Croatia as being a mere autonomous province in Hungary. The polemics ended with Jellinek’s partial withdrawal as he revised his previous thesis, though he did not accept all of Pliverić’s arguments. Jellinek used his discourse with Pliverić to elaborate more closely a type of *Staatsfragmente* in which he included Finland and Croatia, defining them as lands which are more than provinces and less than states.<sup>172</sup>

Contrary to Pliverić, his successor, Ladislav Polić (1874–1910), was known for his opposition activity. Polić also left considerable contributions in this field, but, apart from the constitutional position of Croatia, his principal

166 Maurović/Kostrenčić, *Juridički fakultet* (n. 134), p. 101; see also the document from 17 February 1920, in: Croatian State Archives, Zagreb. Pravni fakultet Sveučilišta u Zagrebu [Faculty of Law in Zagreb], *Opći spisi*, k. 3 (107/820).

167 On the teaching of commercial and exchange law, see Jakša Barbić, *Trgovačko pravo na Pravnom fakultetu u Zagrebu*, in: Pavić, *Pravni fakultet u Zagrebu*, knj. 2, *Prilozi za povijest katedri i biblioteke Fakulteta* (n. 12), pp. 343–360.

168 Biographical articles on Fran Vrbanić can be found in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 739–748. On Vrbanić’s bibliography see *Pravni fakultet u Zagrebu*, knj. 4, sv. 1 (n. 12), pp. 599–716.

169 Herkov, *Iz povijesti javnih financija* (n. 43), pp. 215–217. For biographical articles on Blaž Lorković see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 391–485.

170 *Das rechtliche Verhaeltniss Kroatiens zu Ungarn (Besprochen von Georg Jellinek und Josef Pliverić)*, Agram 1885; Josef Pliverić, *Beitraege zum Ungarisch-kroatischen Bundesrechte: rechtliche und politische Eroerterungen*, Agram 1886; Josef Pliverić, *Der kroatische Staat*, Agram 1887.

171 See biographical articles on Josip Pliverić in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 429–444.

172 See the correspondence between Jellinek and Pliverić in: *Das rechtliche Verhaeltniss Kroatiens* (n. 170) and also in: Alexander Buczynsky and Stjepan Matković, *Korespondencija Josip Pliverić – Georg Jellinek 1885 godine* [The Correspondence of Josip Pliverić with Georg Jellinek in 1885], in: *Zbornik Pravnog fakulteta u Zagrebu* 50 (2000), pp. 1053–1084; Georg Jellinek, *Ueber Staatsfragmente*, Heidelberg 1896, pp. 36, 38; Čepulo, *Building of the modern legal system* (n. 14), pp. 65–66.

interests covered the issue of civil rights as well.<sup>173</sup> It is interesting that the constitutional treatises of both authors were to a very great extent based on legal-historical argumentation. It should also be mentioned that both professors taught international public law which belonged to the same chair. Both of them also wrote several commentaries on international law, yet that discipline remained rather at the margin of their interests and was not considerably developed.<sup>174</sup> An important reason for this might be the fact that international relations were not part of the Croatian autonomous competences and administration.

The opening of the University brought about no immediate improvement of the discipline of penal and penal procedural law. Only supplementary teachers and private lecturers had taught that subject up to 1881 when the first full professor was appointed. Improvements within this sphere were due to the appointment of Josip Šilović (1858–1939) as full professor in 1897. While teaching penal law as a private lecturer from 1890 to 1893 Šilović translated Karl Janka's book *Das österreichische Strafrecht* (Leipzig 1884) which he used in his lectures. Šilović published his scripts on the basis of Janka's system, gradually preparing the publication of his *Kazneno pravo* (Penal Law, Zagreb 1920) which was the first manual of that discipline written in the Croatian language.

To the same chair also belonged philosophy of law, a subject that lay on the margin of the interest of all professors who taught it. This was probably one of the reasons why this discipline was not developed at the Zagreb Faculty of Law. In 1894, philosophy of law was even excluded from the list of subjects examined at the rigorous examinations and was consequently turned into a non-compulsory subject. However, on the initiative of the professors' council philosophy of law was reintroduced in the curriculum as a compulsory subject in 1908.<sup>175</sup>

Encyclopaedia of law, another subject with a theoretical basis, also became non-compulsory in 1894 and did not regain compulsory status. It belonged to

173 See biographical articles on Ladislav Polić in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 449–470.

174 Božidar Bakotić, *Katedra za međunarodno pravo – povijesna skica* [The Chair of the International Law – Historical Draft], in: Pavić, *Pravni fakultet u Zagrebu*, knj. 2, *Prilozi za povijest katedri i biblioteke Fakulteta* (n. 12), pp. 325–328.

175 On the teaching of philosophy of law, see: Josip Metelko, *Razvitak znanosti i nastave teorije i filozofije prava na Pravnom fakultetu u Zagrebu* [A Development of Science and Teaching of Theory and Philosophy of Law at the Faculty of Law in Zagreb], in: *Zbornik Pravnog fakulteta u Zagrebu* 21 (1971), pp. 259–280, here pp. 268–272.

the Chair of Legal History and was taught by a professor of legal history. Up to 1918 it was not significantly improved. The holders at this chair did not publish any monographs or articles in that discipline, but used Mikuličić's manual from 1868.<sup>176</sup>

Unlike in the period of the Academy of Legal Science, legal-historical subjects won a prominent position at the Faculty of Law.

As already mentioned, Roman law was introduced as a standard part of legal education in Zagreb only in 1854. Up to the reform in 1894 its content covered the history and institutions of Roman law and Pandect law, particularly its general part and law of succession. The reform of 1894 gave a prominent place to this material because in that year Roman law was split into two subjects, Roman law and Pandect law with a doubled time-table.<sup>177</sup> In 1897 two different chairs, with two professors, were established and two different subjects appeared at the rigorous examinations as well. That probably reflected contemporary scientific debates on the position of Pandect law in university teaching. However, it was slightly peculiar that Romanist material in Zagreb was taught much more extensively than at Austrian universities which served as its initial model.<sup>178</sup>

Similar developments happened with the teaching of legal history which was extended in 1911 when this new subject and the new Chair of Croatian Legal History were established. Thus, one chair (one professor) continued to cover subjects of general legal history, Croatian-Hungarian private law, and encyclopaedia of law, while a new professor taught Croatian legal history. These changes as well as the changes in the programmes of the two subjects, demonstrate the influence of cultural and political factors which deserve to be briefly outlined.

The subject of general legal history was introduced at the Zagreb law course in 1868 as part of the reform that was, on the whole, based on Austrian university curricula. However, it was not general legal history but the subject of Austrian constitutional history and German legal history that was taught at Austrian universities. In fact, closer to the general legal history was rather general European legal history which was introduced at Budapest University in 1861. Its introduction in Budapest was based on two presump-

176 On the encyclopaedia of law, see: Čepulo, *Pravo, povijest i društvo* (n. 127), pp. 745–749; Metelko, *Razvitak znanosti* (n. 175), pp. 63–267.

177 Each of the two subjects was lectured on for 16 hours a week; the course of Roman Law also had 16 hours of lectures per week.

178 Magdalena Apostolova Maršavelski, *Znanstvena obrada i nastava rimskog prava na Pravnom fakultetu u Zagrebu* [Scientific Work and Teaching of Roman Law at the Faculty of Law of Zagreb], in: *Zbornik Pravnog fakulteta u Zagrebu* 27 (1977), pp. 73–100, here p. 220.

tions. On the one hand, the material of Hungarian legal history was not systemised enough to be taught as a university subject. On the other hand, there was the belief that the study of European legal development was necessary in order to better understand contemporary modernisation and the “return” of Hungarian law to the European legal-cultural framework. According to this point of view, the organic ties of Hungarian legal development with that of the West were broken with the Turkish invasion.<sup>179</sup> Perhaps such reasons were important in the case of Zagreb as well. Anyway, the name “general legal history” itself suggests that its initial philosophical basis was influenced by Eduard Gans’ doctrine of *Universalrechtsgeschichte*.

The commission that had to elect the first professor of general legal history at the Faculty of Law decided to invite the “young and ambitious” Czech scholar Jaromír Haňel (1847–1910) since an optimal candidate could not be found in Croatia. The commission also noted that it expected Haňel to learn the Croatian language and undertake research in Croatian legal history.<sup>180</sup> During his stay in Zagreb till 1881 – when he was appointed professor at the Czech department of Prague University – Haňel considerably contributed to the study of Dalmatian statutes and in 1875 he was elected a full member of the Yugoslav Academy of Sciences and Arts.<sup>181</sup> The professors’ council was disappointed with his departure and decided to send the student Franjo Spevec to specialise abroad (he specialised in Prague, Leipzig, and Munich) instead of calling once again someone from abroad. Spevec habilitated and was appointed as full professor in 1883.

The archival records show that the principal topic of this subject was the legal development of particular legal systems from the earliest times. Comparative methods were hardly used except in general cases and within summarised introductions to certain chapters. Apart from the “universal” scope of the subject, by far the greatest attention was given to the groups of Germanic and German legal histories and Slavic legal histories (including

179 Milivoj Maurović, *Neka pitanja o reformi pravo- i državoslovnog studija* [Some Questions on the Reform of the Legal and Administrative Study], Zagreb 1909, pp. 47–48.

180 One of the participants of the session commented that Baltazar Bogišić would be the best solution but that he already had a better job at the time so that it was not reasonable to expect him to accept that invitation; it shall be noted that at that time Bogišić was in Paris where he drafted a civil code for Montenegro. See the minutes of the Professors’ Council from 25 June 1874, in: Croatian State Archives, Zagreb. Pravni fakultet Sveučilišta u Zagrebu [Faculty of Law of the University of Zagreb], *Opći spisi*, k. 1/1874.

181 For biographical articles on Haňel see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 13), pp. 147–172.

Croatian legal history). In fact, Franjo Spevec, the new professor, soon reduced the extensive concept of the subject to the Germanic and Slavic laws only. This meant an open shift from (probably) Gans to Savigny. However, the main reason for this shift, which had been gradually prepared and which continued afterwards, was primarily a pragmatic one. Professor Spevec explained the reduction of the programme by the practical impossibility of teaching all legal systems as well as by the relevance of the Germanic and Slavic legal histories for understanding the development of law in Europe and in the Slavic world, including Croatian law.<sup>182</sup>

In further practice, the programme was reduced to the Frankish, German and Slavic legal histories but it seems that teaching of the first two predominated. General legal history was reduced to one semester and its programme limited to Germanic and German legal histories after the Chair of Croatian Legal History (which encompassed Slavic legal histories) was founded in 1911. The professor of general legal history started to teach contemporary German private law in the following semester. German legal history was removed from the programme after the First World War (but the Germanic histories remained) while French legal history gained a more prominent position in lectures.<sup>183</sup>

The teaching of Croatian legal history was also affected by political influences. The Chair of Croatian Legal History was established at the time when one professor of public law held the post of Ban. In fact, the need for a separate Chair of Croatian Legal History was mentioned in 1894 by the Rector and pro-Hungarian politician professor Josip Pliverić. Yet, since he spoke about Croatian-Hungarian legal history, his proposal was ignored.<sup>184</sup> After the establishment of the Yugoslav state in 1918, the name “Croatian legal history” was changed into “legal history of the Serbs, Croats, and Slovenes”. Professor Marko Kostrenčić (1884–1976), known for his interest

182 In his project from 1888 professor Spevec even suggested that the name of the subject should be changed into “German legal history and Slavic legal histories, especially history of sources and of private law”. Croatian State Archives, Zagreb. Pravni fakultet Sveučilišta u Zagrebu [Faculty of Law of the University in Zagreb], *Opći spisi*, k. 12/1888/94.

183 On the programme and development of General Legal History from 1874 to 1933 see: Dalibor Čepulo, *Opća pravna povijest (1874–1933) i udžbenik “Opća povijest prava” (1890–1894): nastanak i metodološka i kulturna usmjerenja*, in: *Zbornik Pravnog fakulteta u Zagrebu* 20 (1970), 3–4, pp. 871–888, here 873 ff.

184 Marko Kostrenčić, *Pravna povijest na Pravnom fakultetu u Zagrebu prije Oslobođenja [Legal History at the Faculty of Law in Zagreb Before the Liberation]*, in: *Zbornik Pravnog fakulteta u Zagrebu* 20 (1970), pp. 231–235, here pp. 233–234.

in medieval history and his pro-Yugoslav orientation in politics, focused his attention on the (Croatian) law of Vinodol and the (Serbian) law of Tzar Dušan.<sup>185</sup>

Church law was taught under the name “Church law of the Roman Catholic Church and the Greek-Eastern Church” (the official name for the Serbian Orthodox Church). Two semesters were dedicated to the law of the Catholic Church and one semester to the law of the Serbian Orthodox Church. The first professor of that subject remained very passive with regard to scientific activity.<sup>186</sup> However, the status of this subject was considerably improved after professor Edo Lovrić (1866–1951) had taken it over in 1903. He was particularly interested in matrimonial law and the Austrian Concordat of 1855.<sup>187</sup>

Great attention in legal education was paid to historical subjects. The University Organisation Act of 1874 accepted the solution of the Austrian university plan of 1855 and introduced the students’ obligation to take additional courses. Accordingly, law students had to take one additional course in practical philosophy and one in Croatian history in the first three semesters and another historical subject by the end of their studies. The teaching of practical philosophy (ethics) and, very likely, Croatian history at the Faculty of Philosophy was made to conform to the needs of the study of law.<sup>188</sup> The knowledge of Croatian history was tested in a selective legal-historical examination at the end of the fourth semester.

In 1906 the Chair of Sociology and Criminal Sciences was founded. The subject of criminal sciences was made compulsory in the fourth year, while Sociology was made a non-compulsory subject from the second year. By that

way, sociology appeared in Croatia as the university discipline and the Faculty of Law was a seed-bed for that discipline for some time. The new law in 1918 turned sociology into a compulsory subject.

#### 4. Students and exams

As already mentioned, the Faculty of Law admitted both full-time and part-time students. Full-time students were those who had completed grammar school with good grades and had passed the matriculation examination as well as those who had already enrolled as full-time students at some university or at a school that stood in place of faculties, such as the Academy of Legal Science. Anyone could become a part-time student who did not meet these criteria provided that he was over 17 and was able to follow the lectures. A transfer from part-time to full-time student was not permitted.

Full-time students had to listen to at least 20 hours of lectures per week, and had to pass a legal-historical examination by the end of the fourth semester, otherwise they were not allowed to proceed with their studies. Part-time students did not have these commitments. The number of part-time students was very low and reached two figures only exceptionally, mostly ranging from one to six.<sup>189</sup>

Students of law were traditionally the largest part of the university population, making the Faculty of Law – like other law faculties in Central Europe<sup>190</sup> – the largest faculty at the University. The number of students in the period until 1917/18 ranged from 183 in 1874/75 (out of a total of 290 students at the University) to 877 in the first semester of 1907/08 (a total of 1,464 students at the University).<sup>191</sup> In terms of regional origin, the majority of the students at the Faculty of Law came from Zagreb and Croatia-Slavonia, but there were also students from Rijeka,<sup>192</sup> Hungary, Dalmatia, the Austrian

185 For biographical articles on Kostrenčić see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 184–214.

186 Professor Luka Marjanović devoted a large part of his activity to collecting and publishing folk songs in a four volume anthology. For biographical articles on Marjanović see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 497–502.

187 For biographical articles on Lovrić see in: Pavić, *Pravni fakultet u Zagrebu*, knj. 3, sv. 1 (n. 12), pp. 283–292.

188 The Croatian Autonomous Government provided that a course in practical philosophy for law students should be held at the Faculty of Law. In 1876, the dean of the Faculty of Law asked the dean of the Faculty of Philosophy to adapt the organisation of lectures in Croatian history to the needs of law students; Maurović/Kostrenčić, *Juridički fakultet* (n. 134), p. 99; Tintić, *Pravni fakultet u Zagrebu* (n. 150), p. 38. See the official letter of the dean of the Faculty of Law to the dean of the Faculty of Philosophy from 7 September 1876, in: Croatian State Archives, Zagreb. *Pravni fakultet Sveučilišta u Zagrebu* [Faculty of Law of the University of Zagreb], *Opći spisi*, k. 2/1876/.

189 Statistical data in Signjar, *Statistika* (n. 147), pp. 253–256 (Tab. 5).

190 Sarah A. Kent, *Hrvatski odvjetnici i politika profesije: dilema profesionalizacije 1884–1894* [Croatian Lawyers and the Policy of Profession: Dilemma of Professionalisation, 1884–1894], in: *Historijski zbornik*, 43 (1990), pp. 249–269, here p. 251.

191 Statistical data see in: Signjar, *Statistika* (n. 147), pp. 249–251 (Tab. 4).

192 The town and port of Rijeka on the Adriatic sea (*Fiume* in Italian) held a particular administrative position. In medieval times this territory had been part of the Croatian state, but later on changed between various lords and became part of the Habsburg hereditary lands in the 15<sup>th</sup> century. In 1767 Maria Theresa “returned” Rijeka to Croatia (in fact, it was a compensation for the militarised strip of the Croatian territory nearby). The Croatian Royal Council had administrative and judicial jurisdiction over Rijeka up to 1779 when it was abolished and its competences were transferred to the



Littoral (Istria and Trieste), Carniola and Styria, Bosnia and Herzegovina, a few students from other Austrian countries, as well as students from Serbia, Bulgaria and some other countries. Yet, there were fewer students from abroad, especially of Croatian origin, than desired. In all about 14% of the students came from the areas outside Croatia-Slavonia.<sup>193</sup> A relatively favourable initial response by the students from Dalmatia waned after several years, probably because the examinations passed in Zagreb were not recognised in Austria.<sup>194</sup>

The acquired knowledge was tested in state examinations during the course and in rigorous examinations at the end, following the Austrian model. To finish the course of studies, three specialised state examinations had to be passed. Knowledge of positive law and of the basic non-legal subject matters was required. After successfully passing the three above-mentioned examinations, a candidate was sufficiently qualified for employment in the administrative services. The other fields of legal profession required a doctorate, which could be obtained after passing three rigorous examinations.

State examinations were taken orally and publicly before a three- or four-member commission, depending on an examination. Members were nominated by the Government's Department of Religion and Education, primarily from the ranks of professors and from those working in practice.<sup>195</sup> Of the state examinations, the first to be taken at the end of the fourth semester, was a legal-historical examination. It comprised Roman law, canon law of the Catholic and Serbian Orthodox Church and general legal history with Croatian history.<sup>196</sup> Because of its specific nature, the legal-historical exami-

nation had to be taken at the university at which the student was enrolled at the time of taking it, unlike the other two examinations which could be taken at any other university. By the end of the course of study, the students had to take the judicial examination which comprised civil, commercial and exchange law, civil procedure and non-contentious procedure, penal law and penal procedure. This examination could already be taken at the end of the eighth semester. The third examination was the one in administrative sciences and it could be taken only after completing all the lectures. It consisted of statistics of the Austro-Hungarian Monarchy with special reference to the Kingdom of Croatia and Slavonia, political economy and finance. The second and the third state examinations could be retaken only after a period of three months.

Students of law generally stayed longer at the university than other students and their age distribution was the most pronounced one at the Faculty of Law.<sup>197</sup> The pass rate was relatively high, but distinctly lower in the examination in legal history. Thus, up to 1901 3,806 students took all state examinations, of which 87% were successful. The pass rate in the legal-historical examination was 83%, whereas that of the remaining two state examinations was 91%.<sup>198</sup> It seems that the examination in legal history was the main reason why only about 2/3 of the students who had begun studying enrolled in the fourth year.<sup>199</sup>

This system was somewhat modified with the amendment of 1894 which introduced two legal-historical examinations of which the first one had to be passed before the third semester and the second before the fifth semester.<sup>200</sup>

Hungarian Council of Lieutenancy while Rijeka was proclaimed "corpus separatum". On the basis of the unclear wording of both diets, the Hungarian and Croatian, both claimed that Rijeka was part of their jurisdiction and respective territory. Rijeka was of the utmost importance for Hungary because it granted free access to Hungary for export by sea. At the negotiations over settling the Croatian-Hungarian Compromise in 1868 neither side was ready to renounce its claim to Rijeka and consequently the problem was left unsolved. However, on the pressure of the Hungarian side the *provisorium* was established, which in fact hid Hungarian control over Rijeka. The town was administered by the pro-Hungarian autonomous town-government supervised by a governor appointed by the Hungarian government. On Rijeka see: *Povijest Rijeke* [History of Rijeka], Rijeka 1988.

193 Statistical data in: Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), p. 147.

194 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), p. 149.

195 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), p. 175.

196 Students who failed this examination could enrol conditionally in the fifth semester, in which case they had to pass the examination by the end of that semester. However, from 1887 a candidate who repeated the examination in

the July or October term could retake the examination only after one year and could not enrol conditionally. See Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 38, 39.

197 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 161-163.

198 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 174.

199 Spomenica o 25-godišnjem postojanju Sveučilišta (n. 10), pp. 174-175, 270.

200 The legal-historical examination was divided into two parts. The first part (History and Institutions of Roman Law with Roman Civil Procedure, History of Slavic and German Laws and Main Principles of the Croatian-Hungarian Private Law) had to be taken by the end of the second or the beginning of the third semester. The second part (Pandect of Roman law and canon law of the Catholic and Greek/Orthodox Church) had to be taken by the end of the fourth or the beginning of the fifth semester. In order to facilitate the transfer of students from the Austrian half of the Monarchy, the Autonomous Government issued a regulation by which persons who were not "Croatian-Hungarian citizens" (in fact, only Hungarian citizenship existed) could take a single legal-historical examination, i. e. as it had been prescribed before with the exception of Croatian-Hungarian law that was not obligatory for these students. The

The changes were explained by the need to stimulate students to work harder and with better discipline. However, they also reflected the fear of the students' political activities in the turbulent political events of the time, which was in reality an important motive for the changes as well.<sup>201</sup> According to the new regime, all examinations could be taken regardless of the university at which the lectures had been attended. Moreover, the examination regime was made easier for students from the Austrian part. This was intended to facilitate their transfer to Austrian universities.<sup>202</sup>

The students who received scholarships or sought to be exempted from paying fees had some additional obligation that was supposed to verify their progress in learning.<sup>203</sup>

The preparation of examinations constituted a problem because there were not enough textbooks and scientific monographs. Textbooks were primarily in the form of lithographed manuscripts (mimeographed course materials) which were texts of lectures in a given subject usually copied by some student association. The texts of lectures, prepared in advance and most probably read by professors during lectures, were given to students by the professors themselves, or a professor of a certain subject would check the students' systematised notes. Mimeographed course materials were extremely important, considering the fact that many students were not lessons constantly following the lessons. The literature and sources to which these materials referred – and which obviously served as a basis for the lectures – were almost always in foreign languages of which German absolutely prevailed, but there were also numerous French and Hungarian titles, whereas literature in English was far less present, depending on the teaching subject. Not all the prescribed study matters could always be processed in the lectures. Textbook literature remained a considerable problem, because not even mimeographed notes (if they existed) were always available or cheap, thus giving rise to the

examination in administrative science was also modified: statistics was excluded from the list of subjects and the following subjects were introduced: general and Croatian-Hungarian public law, with special emphasis on Austrian public law, international and administrative law. Tintić, *Pravni fakultet* (n. 150), p. 53.

201 Kent, *Hrvatski odvjetnici* (n. 190), p. 253.

202 Kent, *Hrvatski odvjetnici* (n. 190), p. 166.

203 Such students had additional obligations. Along with the regular examination regime, they were obliged to take colloquia in two main subjects at the end of each semester in order to show their progress in these studies. From 1881, third- and fourth-year students had to take one compulsory colloquium in the main subject from the legal and one from the administrative field, but the practice of colloquia was later abandoned. Tintić, *Pravni fakultet* (n. 150), p. 52.

occurrence of various revision materials.<sup>204</sup> Still, towards the end of this period, improved technical possibilities led to an increasing production of literature that was probably used in preparing for examinations. Relatively extensive works from various disciplines, especially those from the legal profession written by professors and practising experts, were published. On the contrary, articles were rather frequent, mostly being published in the monthly *Mjesečnik Pravičkoga društva u Zagrebu* (Monthly Journal of the Law Association in Zagreb) which was published from 1875 to 1945.

Students completing four years of study and passing all the examinations were able to take rigorous public examinations leading to a doctoral degree. These examinations had a scientific character and included a thorough and complex examination in the prescribed disciplines. The regime of rigorous examinations was introduced in 1875 and did not change until 1894. There were three examinations. The first rigorous examination embraced Roman law, canon law and Croatian-Hungarian private law. The second rigorous examination included general private law (Austrian), commercial and exchange law, civil procedure, and penal law with penal procedure. The third rigorous examination encompassed general public law, Croatian-Hungarian public law with special reference to Austrian public law, international law, philosophy of law, political economy (national economy and finance), and administrative science.<sup>205</sup>

204 Such was the repetition materials ("repetitorium") in General legal History published as a regular edition, i. e. not as mimeographed material. The repetitorium was based on the source-books in Latin and on the manuals of German legal history in German. See *Repetitorij iz pravne povijesti Germana i Slavena* [Repetition materials on the legal history of Germanic and Slavic Peoples], edited by Stjepan Ortner, Zagreb s. a. The author was a civil servant at the University Library in Zagreb (a lawyer by education) who occasionally wrote treatises in legal history. He was attacked by Milvoj Maurović, the professor of general legal history, because of "dilettantism". Ortner responded that the "repetitorium" was an amateurish piece of work by definition, that it represented a necessary help, since many students were not able to follow the lectures for existential reasons (probably meaning that they had to earn a living), that a whole program had never been explained through lectures and that at the beginning students usually did not even have scripts. Ortner explained that the repetition material was meant to be only a first aid because real teaching would follow when a student got books or scripts. Stjepan Ortner, *Odgovor na ocjenu repetitorija iz pravne povijesti Germana i Slavena* [Respond to evaluation of the Repetitorium of legal history of the Germanic and Slavic People], in: *Mjesečnik Pravičkoga društva u Zagrebu*, 24 (1898), pp. 495–501. Also, see Čepulo, *Opća pravna povijest* (n. 183), p. 884.

205 See Tintić, *Pravni fakultet* (n. 150), p. 52–53; Anto Milušić, *O prvim doktoratima i promocijama prvih doktora na Sveučilištu u Zagrebu* [On the First Doctorates and Promotions of the First Doctors at the University in Zagreb],

The rigorous examination board consisted of the dean or vice-dean and four full professors nominated by the Autonomous Government. An expensive fee (60 florins) had to be paid for taking these examinations. Each examination lasted two hours, it was public, and an unsuccessful candidate could retake the examination after three months and then only once again after one year. The order of rigorous examinations was not determined, but they all had to be taken at Zagreb University. For this reason, a doctorate acquired at some other university after a candidate had lost the right to take the rigorous examinations at Zagreb University could not be validated. These regulations were made possible to avoid the recognition of examinations taken at some foreign universities of lower quality than that of Zagreb. For similar reasons, the government passed a regulation on the validation of doctorates acquired outside the Austro-Hungarian Monarchy. It provided that doctorates acquired *in absentia* or doctorates acquired only in administrative sciences could not be validated.<sup>206</sup>

Rigorous examinations were not compulsory, but they were largely taken by law students that aspired to qualify for those advanced legal professions that required such examination (judges, lawyers, public notaries). Up to the end of the academic year 1917/18, a total of 4,257 candidates took the rigorous examination, of which as many as 3,661 or 86% were successful. In the period from 1874/75 to 1917/18 this number accounted for as much as 91.2% of all attempts at these examinations at the University, or 88.4% of successfully passed examinations up to 1917/18. Annual percentages were only rarely below 80%.<sup>207</sup> In the period up to 1917/18 the number of persons taking rigorous examinations gradually increased, even though it dropped during the war years. From the first three students who successfully took the rigorous examinations in 1875/76 (out of five candidates), the number rose to 320 (out of 381 candidates) in 1918/19. The number of doctors of law per year rose from the first four promoted in 1877 to the highest number of 86 in 1910/11, repeated in 1911/12.<sup>208</sup> In 1894 a doctorate *sub auspiciis regis* was introduced, which was bestowed on one doctoral candidate in a given academic year who had outstanding grades from the beginning of grammar school education to the end of studies as well as having shown “immaculate

in: *Sveučilišni vjesnik* 27 (1981), pp. 273–284. See also a note in: *Mjesečnik Pravičnoga društva u Zagrebu* 1 (1875), pp. 221–222.

206 See Klaić, *Postanje i razvitak Sveučilišta* (n. 143), p. 65, and *Spomenica o 25-godišnjem postojanju Sveučilišta* (n. 10), p. 13.

207 For statistical data see Signjar, *Statistika* (n. 147), p. 274.

208 For statistical data see Signjar, *Statistika* (n. 147), pp. 275–276.

conduct”.<sup>209</sup> At the University, the Faculty of Law bestowed by far the largest number of the highest intellectual titles. The holders of these titles were mostly employed in the civil service, where they held the highest positions and constituted the political and intellectual elite of Croatian society.

When war broke out in 1914, the number of teachers dropped only negligibly, unlike that of students. Yet the end of the war saw a remarkable increase in the number of students. Thus, the number of students dropped from 696 in the summer semester of 1913/14 to 481 in the winter semester of 1914/15, but rose to 551 in the summer semester of 1917/18, and went on to increase rapidly to 1,191 in the winter semester of 1918/19.<sup>210</sup> Naturally, apart from the number of students, general circumstances were also responsible for the disrupted regular course of work at the University.

The third amendment of the University Organisation Act from 12 September 1918 – enacted on the eve of the dissolution of the Habsburg Monarchy – allowed women to enrol in all three secular faculties and not just in the Faculty of Philosophy, as allowed by the Government’s decree of 1901. The following year (1919) 20 women enrolled at the Faculty of Law, whereas the number of female students in all four secular faculties of the university amounted to 208.<sup>211</sup>

## IX Conclusion

Students from the Croatian regions took their legal education at various European universities from the early 13<sup>th</sup> century onwards. Of particular importance were the universities of Padua and Bologna where most of them studied, but their presence was noted at other universities as well. The *Collegium Hungarico-Illyricum* in Bologna run by the Zagreb’s Capitol from

209 See the decree of the Autonomous Government from 18 August 1894 in: *Akademički propisi za porabu slušalaca na kr. hrvatskom sveučilištu Franje Josipa I. u Zagrebu* [Academic Regulations of the Use of Listeners at the Royal Croatian University of Franz Joseph I in Zagreb], Zagreb 1898; See also Signjar, *Statistika* (n. 147), p. 276, and *Spomenica o 25-godišnjem postojanju Sveučilišta* (n. 10), p. 180.

210 Signjar, *Statistika* (n. 147), p. 256.

211 From 1895 women were allowed to enrol at the Faculty of Philosophy as part-time students. The preconditions for women were in fact set down by a Government’s decree of 1901. The only general precondition was the age of 18; in order to enrol as a full student, a candidate had to have finished gymnasium with a school-leaving examination. If a female candidate had completed a teacher-training school or some equivalent school, she could enrol as a part-time student; Klaić, *Postanje i razvitak Sveučilišta* (n. 143), pp. 67–68, 70; Šidak, *Sveučilište* (n. 132), p. 115.

1574 to 1781 saw large number of students of law, theology and arts from Croatia-Slavonia and Hungary finishing their education in Bologna. Students who graduated at those universities transferred legal knowledge and legal reasoning to their homelands. There, the church centres (churches, monasteries, cathedral schools) and towns served as hotbeds that helped interweaving elements of customary law, *ius commune*, Byzantine law and other legal influences into local legal rules, connecting inseparably local legal cultures with the European matrix from early times. However, the poverty of the lands, the lack of strong urban centres and trade, a small number of students and the vicinity to the most famous Italian universities were the main reasons that prevented the emergence of stable institutions of legal education throughout the medieval period. At that time elements of legal education appeared only provisionally in the more developed urban centres.

Systematic legal education did not find its roots in those church centres of university status that existed in Dalmatia and Croatia-Slavonia. Organised legal education flourished for a short period in Dalmatia during the French occupation of Dalmatia from 1805 to 1813 – when French law was studied at newly established institutions – but the French presence did not profoundly influence legal culture there.

Systematic and continuous legal education in Croatia appeared only with the introduction of the Political-Cameral School in Varaždin in 1767. It was soon moved to Zagreb where in 1776 its only professor was appointed to the newly established Royal Academy of Sciences. The latter institutions were abolished in 1850 and were replaced by the Royal Academy of Legal Science which served as a basis for establishing the University and the Faculty of Law in 1874.

The establishment of the three institutions that preceded the University was part of the modernisation imposed by the Vienna centre. Their function was adapted to the project of centralising the Habsburg Monarchy and also to the necessity to educate civil servants needed for modernising the administration. Therefore, their curricula were rather narrow and pragmatically oriented. All three institutions were run by the state and did not enjoy any academic freedom. Any political activity of their members was controlled by the government and sometimes even prosecuted with dismissals. The curricula, teaching programmes and literature prescribed or approved by the state reflected a predominant political and cultural orientation. They were modelled upon Austrian regulation and Austrian programmes but Hungarian and Croatian-Hungarian elements were considered as well, especially regarding the teaching of positive law, particularly Tripartite. The prescribed literature, especially in the 18<sup>th</sup> century, was usually literature used at the Austrian universities. At the beginning, professors mostly came from the catholic clergy

but later civilians predominated. Although most of the professors came from Croatia-Slavonia, a large number came also from the other regions of the Monarchy. All professors achieved doctoral degrees, mostly at the University of Buda, of Vienna or at other Austrian universities. Several professors from the Academy of Sciences were appointed to the Hungarian University of Buda or moved to other similar academies in Hungary. A number of professors was appointed to high administrative and judicial positions. The students mostly came from Croatia-Slavonia but there were also students from other regions, including Hungarians. The principal language of teaching was Latin, though German was prescribed at certain periods. The Croatian language officially appeared by the end of the 1840s, yet it is very likely that it had been used to some extent previously. The prescribed literature was in German or Latin but professors at Zagreb also published or prepared manuals in Croatian, mostly based on some other sources. These three institutions probably did not have a great influence on the development of the Croatian legal system and transfer of laws – mostly because of the nature of the political system – but they certainly contributed to the formation and development of Croatian legal culture. However, it was still far below to what the Croatian political and cultural elite wished and expected. The reconstitution of the Academy of Legal Science to a *de facto* university type of organisation in 1868 prepared the opening of the University in 1874. Most significantly, the King's order on the reconstitution of the university was politically motivated.

The foundation of the University and the Faculty of Law in 1874 considerably contributed to the improvement of legal education in Zagreb. The organisation and teaching concept of the University and its faculties were wholly modelled on Austrian universities. The University was a state institution which was granted freedom of teaching. Professors were principally elected at the University and appointed by the King. However, amendments of the University Organisation Act of 1894 opened up the possibility that the Autonomous Government was able to independently propose to the King its own candidates whilst the new chairs could be established only by the Government. This was an open channel of political control over the University. But political control was exercised by other *de facto* means as well.

Most of the professors at the Faculty of Law came from Croatia-Slavonia and finished their course of study in Zagreb, whereas only few of them came from other regions of the Kingdom. Before the introduction of the habilitation, candidates usually spent a year or two specialising at some universities abroad, mostly in Vienna and Prague or at some German university. They were usually financially supported by the Government. The number and quality of professors considerably improved over time as indicated by the courses they taught and by their scientific activity. However, an international

scientific cooperation was not developed and depended upon rare individual activities. Apart from a rather developed scientific production, manuals were very rare. Teaching material was usually systemised in scripts prepared by professors or students, and it seems that part of the literature was conventionally in German. The professors were commonly very active in political life, usually backing the Government's side, and professors of positive law actively participated in drafting new regulations, thus indirectly influencing the development of the legal system. Some of them occupied the highest posts in the administration and judiciary.

The curriculum followed the Austrian, (i. e. the Central European) model but was also adapted to Croatian peculiarities and also to the content of some subject matters. The Faculty of Law was framed to educate students not only in positive law but also in administration and economics as well as in legal history. Regarding the fact that most part of the Croatian legal system after 1850s was based on Austrian regulations, the teaching of positive law largely referred to the Austrian regulations and doctrine. The teaching of civil law was focused on the *Opći građanski zakon* and on the respective Austrian civil law. But, in spite of orientation toward Austrian law, the Croatian-Hungarian private law (focused on the Tripartite) was taught as a compulsory course, even though from 1894 it was enumerated among legal-historical subjects. It seems that the teaching of penal law was even more closely related to the Austrian doctrine. However, it was not quite that way as regards public law. The basis for general topics was German and Austrian doctrine and literature, yet large parts of the teaching were focused on the relation between Croatia and Hungary in their historical perspective (the Croatian *iura municipalia*) and as regulated by the Croatian-Hungarian Compromise. As to the teaching of administrative topics it seems that the focus was more on positive law adapted from the Austrian legal system; the issue of political rights gained more importance from the end of the 19<sup>th</sup> century. Attention was partly also given to communal joint families (*kućna zadruga*). Legal-historical subjects were extensively present, especially regarding the split of the Chair of Roman Law into two chairs (Roman law and Pandect law) in 1894. The introduction of general legal history in 1868 and, especially, of Croatian legal history in 1911 was determined not only by scientific but also by political considerations. The programmes of both these subjects were not immune to political changes. However, both subjects preserved their core, general legal history being predominantly pro-Germanic, whereas Croatian legal history was primarily concentrated on the Croatian medieval legal sources.

Students by and large came from Croatia-Slavonia. Only 14% of students came from other regions of the Monarchy and only a few came from neighbouring countries (Serbia and Bulgaria). The intention to attract Cro-

atian students from Dalmatia, Istria and Bosnia and Herzegovina to the University of Zagreb, as a means of cultural integration of the politically divided nation, largely failed. One of the principal reasons was probably the fact that the diplomas of Zagreb University were not recognised in the Austrian part of the Monarchy. Women were allowed to enrol at the secular faculties of the University only in 1918 and in the next year there were 20 female students at the Faculty of Law.

The establishment of the University and the Faculty of Law considerably improved the situation of the Croatian judiciary and administration which had previously lacked adequate staff. The professors and graduated students made up the intellectual and political elite of Croatian society and played an important role in political and cultural processes, thus influencing the formation of modern Croatian culture and law. The concept of teaching and the teaching programmes were mostly based on the Austrian model, but Croatian specifics – such as relations with Hungary – were also reflected in the programmes. Political factors also played an important role, though in a rather “silent” way, which was partly due to the fact that the University did not enjoy full organisational and financial autonomy.

With regard to the development of legal education in Croatia from the 18<sup>th</sup> century till 1918, it can be assumed that it significantly contributed to the formation of Croatian legal culture. Even though institutions of legal education hardly had a strong influence on the law-making process, which was politically conditioned, they played an important role in the transfer of knowledge, values, and broader legal cultural matrixes from the more developed neighbourhood of Croatia.

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