

Introduction to Modernising European Legal Education (MELE)—Innovative Strategies to Address Urgent Cross-Cutting Challenges



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Abstract This introduction provides an overview of the contents of the edited volume *Modernising European Legal Education (MELE)—Innovative strategies to address urgent cross-cutting challenges*. The volume contains sections on Law and Education Innovation, Law and Gender, Law and the Climate Crisis, Law and Datafication, as well as Law and COVID-19. The purpose of this volume is to share the insights of this Strategic Partnership for Higher Education funded by the European Union’s Erasmus+ programme and make them available to a broad public. The volume starts with the summary of an empirical survey at 14 different European law faculties at universities in Albania, Bosnia and Herzegovina, Croatia, Germany, Lithuania, North Macedonia, and Spain on the status of teaching transversal competences in legal studies. Throughout the sections and individual chapters, this edited volume responds to specific aspects highlighted through the survey. Beyond that it engages with relevant topics identified in the research and educational practice of the consortium members. The rapid and profound transitions shaping societies at the beginning of the twenty-first century also come with a substantive influence on the legal profession. Reconsideration of the legal discipline is therefore needed to identify the skills and knowledge that future lawyers must be equipped with to successfully engage with this changed reality.

Keywords European and international law · Teaching innovation · Interdisciplinarity.

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1 Modernising European Legal Education (MELE)

The beginning of the twenty-first century continues to be defined by a seemingly non-ending sequence of profound paradigm shifts. A chain of events—summarized along themes such as globalization, the ever more visible climate crisis, global financial instability, a decrease in the stability of multilateral political systems, omnipresent datafication, or the COVID-19 pandemic—profoundly affects the legal profession and law as an academic discipline. For instance, a simple second instance case decided by a court in Cartagena, Colombia at the end of January 2023 received global attention, as the judge used OpenAI’s ChatGPT as a semi-autonomous assistant to formulate parts of it (Gutiérrez 2023). In October 2018 the Court of Appeal of The Hague in the Netherlands upheld the stance of the first instance court in the famous *Urgenda* case (Leijten 2019). This judgment undeniably confirmed that it is legally possible for a private nonprofit organization to successfully sue a government over its hesitance to implement decisive and consistent policy measures to address the ongoing climate crisis (Verschuuren 2019). These are just two examples demonstrating how times are changing. With their implications and consequences, they suggest that the adaptations required in the legal domain are comprehensive. What seems needed is a substantive reconsideration of the place of law and regulation in and across communities. Correspondingly, the skills and knowledge that future lawyers must be equipped with to successfully engage with this new reality need to be reevaluated, and potentially change drastically.

The Erasmus+funded Strategic Partnership for Higher Education, Modernising European Legal Education (MELE), aims at responding to this challenge (MELE 2023a). The purpose of this volume—as one of the ‘Intellectual Outputs’ of the project—is to document the findings of the consortium and share new insights. The volume starts with a summary of a survey which was carried out at 14 different law faculties in seven European countries, both within and outside the European Union (EU). This survey is summarized in Chap. 2 (Zdraveva 2023). The findings of this survey, as well as other urgent cross-cutting issues and lacking transversal competences as identified by the members of the project consortium, are being discussed throughout in the different parts and individual chapters.

This volume is based on the observation that certain aspects of social life—such as the ability of individuals to bear rights and duties, in contrast to a weak legal representation of collective rights and interests, the general accessibility for some individuals and groups to claim rights and demand regulation, or the division of the legal discipline into specific ‘atomic’ sub-fields such as civil law, administrative law, constitutional law, international law, etc.—have been translated into established and recognized legal figures and regulatory frameworks, as well as corresponding rights and procedures. In contrast, other topics such as those covered in the different sections of this volume are considered as being novel or emerging, cross-sectional, cross-cutting, or transversal in the practice of legal education and research. While such ‘*Querschnittsmaterien*’ increasingly gained societal relevance over the last two decades as they are frequently associated with urgent challenges, they seem hardly

addressed by the conventional frameworks of legal education and monodisciplinary research. During the project the consortium members considered this hypothesis particularly from the perspectives of future employers, subject experts, and (potential future) students. Thus, the question appears how legal education and research can change and evolve, to better address these cross-cutting societal challenges despite their emerging nature, complexity, as well as constant interaction and influence of a broad and diverse set of stakeholders.

2 MELE in a Nutshell

MELE is a three-year project funded by the Erasmus+program, specifically the KA203 Strategic Partnership for Higher Education (MELE 2023b). It started in September 2020 with a grant amount of €423,388. The objective of the project is to bring together a consortium of esteemed universities including the University of Belgrade (Serbia), University of Zagreb (Croatia), Cyril and Methodius University in Skopje (North Macedonia), University of Cadiz (Spain), Mykolas Romeris University in Vilnius (Lithuania), University of Groningen (Netherlands), Regent's University London (United Kingdom), and the South Eastern European Law School Network (SEELS), with the associated partner being The European Network for Clinical Legal Education (ENCLE).

The main objective of MELE is to enhance transversal competences and academic skills among law students by improving the teaching skills of academic staff across the consortium. The project also aims to raise awareness of cross-cutting topics such as gender issues, the EU's 'Green Deal', climate change, datafication, and multilevel governance in the field of legal studies. MELE has delivered several intellectual outputs to achieve its goals, which are also publicly available upon request. These include:

1. Conducting a survey on teaching transversal competences in legal studies.
2. Developing an online course for academic skills in a European and international context.
3. Creating a method toolbox for innovative teaching methods and transversal competences.
4. Publishing this edited volume exploring the links between cross-cutting topics and legal teaching and research.

During the project, also corresponding workshops, training events, and a summer school have been organized, to train teaching staff and expose students to transversal competences. Dissemination activities and multiplier events ensured that the four main outputs of the project reach a wider audience beyond the consortium partners.

3 Overview of the Contents and Findings

This volume contains 18 chapters, throughout five different parts. Following this brief introduction, it explores and outlines innovative teaching methods in and beyond the legal domain throughout Part 1. Then it goes on to explore specific aspects of selected cross-cutting issues. The selection of cross-cutting issues of this volume is based on the perception of necessity, urgency, as well as subject expertise of the consortium members and authors. The chapters cover aspects relating to topics such as Law and Gender in Part 2, Law and the Climate Crisis in Part 3, Law and Datafication in Part 4, as well as Law and COVID-19 in the final Part 5.

3.1 *Part 1: Law and Education Innovation*

As already mentioned, Part 1 starts with the summary of a survey relating to transversal competences developed or lacking throughout legal studies (Zdraveva 2023). This survey covers all partner institutions of the consortium, except for Regent's University London and Campus Fryslân of the University of Groningen, which both offer no conventional legal degree programs. This research aims at providing an overview of the trends in the development of the legal education at the faculties of law represented in the project consortium. The survey covers different cycles of education, relating to the Bachelor's, Master's and PhD level, as well as the German state exam qualification system—which is not corresponding to the general European Bologna system setup in 1999 (Pritchard 2019). The results covered in the survey reflect the positions of the respective faculty teaching staff, by stating which key transversal competences students should develop during the studies in the different cycles according to their opinion, expertise, and experience. While new types of skillsets such as leadership and the capacity to decision-making start to play an increasing role, classical capacities for the legal profession and their sound development continue to be a prominent requirement. This includes legal/normative analysis and synthesis, the construction of valid legal arguments, as well as appropriate and skillful communication. These competences remain highly desirable for all levels of legal education, according to the opinion expressed by teaching staff.

This overly simplified 'meta-conclusion' on the results of this comprehensive survey might indicate that classical skills and education still dominate legal education. However, this view is immediately challenged by the authors of Chap. 3. They argue for the necessity of interdisciplinary approaches when teaching and confronting the issue of human trafficking (Hebing et al. 2023). Rather than a purely legal issue or a crime, human trafficking ought to be understood with a more holistic perspective. In their view, it seems impossible to get to the core of the problem without considering the roles of migration, criminology, policymaking, economics, employment, and other key forces.

Such a holistic perspective with a focus on transversality is continued in Chap. 4,

which explores the successful implementation of the United Nations Sustainable Development Goals (SDGs) through the mechanisms provided by European and International law, specifically where the SDGs relate to national civil and procedural law (Garrido and Villar 2023). Besides SDG 16, which aims at building strong and just institutions, the authors consider SDG 1 (tackling poverty), SDG 5 (gender equality and empowering all women and girls), as well as SDG 10 (reduce inequality among countries) throughout their contribution.

Chapter 5 then refocuses on the territory of the EU and potential future Member States. It highlights and discusses the challenge of teaching the rule of law as a fundamental value of the EU system (Cenevska 2023). The author argues that university lecturers should re-evaluate their roles towards becoming facilitators of an increasingly independent learning process of law students. However, when it comes to teaching the rule of law as a value specifically, the author highlights the challenge in doing so credibly and authentically in countries such as the Western Balkan nations, which have an authoritarian political past that is still part of the living memory of many citizens. Emphasizing the value and necessity of the rule of law is particularly challenging as several Member States of the EU itself question the principle through deeds such as reducing judicial independence, or freedom of expression by controlling the national media landscape, for example.

Chapter 6 focuses similarly on the future of legal education, with a particular view to strengthen transversal competences (Vlajković and Dabetić 2023). In a rapidly changing job market, law schools and professors have a crucial role in preparing law graduates to become competent and ethical professionals. To bridge the gap between formal legal education and real-world demands, it is necessary to enhance curricula with continuous training that develops transversal skills. Based on a large-scale online survey with students at the Faculty of Law, University of Belgrade, the authors identify educational needs of law students. They aim at providing guidelines for modernizing legal education. The research of the authors aims to ensure increased employability of graduates and improve the quality of legal education. In conclusion, the authors propose to embed practically oriented exercises such as workshops from an early stage of legal study programs to ensure that the development of transversal competences is being fostered from the outset.

Similarly, Chap. 7 explores venues to the modernization of legal curricula. However, here the authors consider environmental protection, sustainable development, and climate change (Erceg et al. 2023). They argue that achieving climate goals requires professionals trained in environmental law, yet current legal education fall short in adequately preparing such experts. This chapter highlights the need to include environmental topics in law curricula, foster collaboration through 'green legal clinics,' and organize workshops to emphasize the importance of educating young lawyers on environmental legal protection. The Faculty of Law in Osijek, Croatia serves as a case study for these activities, aiming to bridge the gap in environmental law education.

Chapter 8 concludes Part 1 on innovative teaching methods and approaches by introducing simulations and live-client clinics to address cross-cutting topics (Brozović 2023). Such student-centered approaches address the global challenges

present today, while meeting the expectations future lawyers are facing. The approaches and exercises demonstrated showcase the effectiveness of clinical legal education in preparing students for real-world scenarios. At the same time, they show the potential to connect the academic ‘ivory tower’ with its broader societal surrounding.

3.2 Part 2: Law and Gender

Part 2 of this volume is dedicated to gender related legal aspects. The two chapters in this section approach the subject from public and private law respectively. The author of Chap. 9 explores the question whether legally binding quotas should ensure gender parity in parliaments. It is being argued that underrepresentation of women in parliaments indicates a political empowerment gap and is therefore a de facto symbol of inequality. The study focuses on the situation in Germany, taking into account corresponding European and international developments. It finds that there are currently no binding supranational or international legal obligations for countries to implement mandatory quotas or gender parity requirements to improve the political representation of women. However, soft-law principles at the European and global levels are gradually gaining traction and becoming more stringent (Giegerich 2023).

Chapter 10 explores gender-related issues from the perspective of European economic law. The article examines the topic from different angles and ranks the different areas according to the level of influence on companies, in regulation, as well as in policy making. The chapter notes that, in addition to the newly introduced quota for appointments to corporate boards, further support for female entrepreneurs is needed. Moreover, the possibility of legislators exerting influence in the context of competition regulation should not be underestimated and gender mainstreaming should be introduced as a standard approach. Finally, the article discusses the opportunities for the EU in the context of its trade policy, particularly in the context of foreign affairs. In addition to the consideration of gender issues in trade agreements, the new initiative of a directive on the global responsibility of European companies in the supply chain can also penalize possible gender discrimination. (Fröhlich 2023).

3.3 Part 3: Law and the Climate Crisis

Part 3 of this volume contains two chapters which deal with the Climate Crisis through the lenses of labor law, as well as legal philosophy. Chapter 11 deals with the influence that the changing climate could and should have on working time regulations in regions such as Andalusia in the south of Spain, where increasing heat and draught makes it more difficult to work (Ribes Moreno 2023). The author argues that this is a problem that should be tackled both by the EU and its Member States.

Innovative regulations are needed, as well as a broader set of policies negotiated amongst significant stakeholders to ensure ‘climatic oriented’ working conditions.

Also arguing for the expansion of the legal toolbox, Chap. 12 explores ‘ecocide’ as an innovative conceptual legal figure (Baeza 2023). The author analyses different sources of international public law, and especially international criminal law to explore whether and how comprehensive destruction of nature and ecosystems could become subject to prosecution by legal authorities. In conclusion, the author argues that the recognition of ecocide would not only require institutional change in the legal domain, but also on a broader societal level including academia and civil society.

3.4 Part 4: Law and Datafication

In Part 4 selected aspects of the datafication of society are being explored. The authors of Chap. 13 take a closer look at the ‘Google Assistant’ to analyze whether the technical setup of such voice assistants is problematic from a privacy perspective (Backes et al. 2023). Using an interdisciplinary approach that considers the basic technical design and resulting legal implications, they argue that the use of voice assistants can be particularly challenging with a view to family life and children. Since minors have little influence on how their datafied upbringing looks like, much more consideration of system designers and parents seems necessary to make the right choices on which devices to use and which ones to keep away from children until their digital skills have evolved.

Chapter 14 then turns to the thorny subject of using artificial intelligence (AI) to support creative processes, and how intellectual property law should confront this changed reality of content creation (Mešević 2023). The author introduces several examples where AI has been used in the creation process, and highlights some of the questions that make it difficult to consider whether such systems can be seen as an assisting tool, or should rather be recognized as creators themselves. A closer look reveals that the changes brought in by these new content creating systems are not entirely different from the challenges intellectual property law had to confront in the past.

The final Chap. 15 in this part includes a highly relevant study on how inheritance law should categorize the increasing volume and quantity of digital remains (Klasiček 2023). The author studies how cryptocurrency assets, social media accounts, family pictures on physically accessible storage devices, and other digital remains can be considered from a legal perspective once a person passed away. The author also explores measures that individuals could take to better prepare for situations where they themselves are no longer able to share their data, or pass it on to their dear ones.

3.5 *Part 5: Law and COVID-19*

Finally, Part 5 contains three chapters that deal with the consequences and legal implications of COVID-19. The legal domain has been severely challenged by the rapid and unforeseen changes that were required to adapt to the pandemic situation, sometimes even mandated by governments in European countries (Gstrein et al. 2021). As the authors demonstrate, some of the developments relating to discrimination, social security law, or vaccination policies still require reflection.

Assessing discriminatory patterns from the perspective of law, the authors of Chap. 16 argue that data from the EU reveals widespread presence of racial and ethnic discrimination in the labor market (Kuzminac and Midžović 2023). This includes racial segregation and intersectional discrimination. They state that COVID-19 has further highlighted such structural inequalities, emphasizing the need for comprehensive and sustained efforts to achieve equality. Rather than discouraging, they argue that the crisis should serve as motivation to redouble the commitment to creating a fair and inclusive society for all.

Chapter 17 analyses the right to salary benefit during a temporary inability with a particular focus on the situation in the Republic of Serbia. There a government subsidy scheme has been put in place, which also indirectly led to an increased incentive for people to get vaccinated. The author's findings suggest that the differential treatment of vaccinated and non-vaccinated individuals aligns with Serbian law and is in accordance with the European Convention on Human Rights, as well as relevant case law of the European Court of Human Rights. While mandatory vaccination could have been a viable option, particularly during the peak of the pandemic, the incentive of providing financial rewards to individuals who chose vaccination served as a small yet significant encouragement for immunization (Obradović 2023).

The issue of mandatory or voluntary vaccination during the pandemic is also taken up in Chap. 18. The author aims to harmonize bioethical principles and legal standards, particularly those employed by the European Court of Human Rights, in assessing potential human rights violations arising from mandatory COVID-19 vaccination policies implemented by the Member States of the Council of Europe (Ignovska 2023). A deductive reasoning approach is utilized to examine the pioneering case of mandatory vaccination in Austria—a democratic country, which was about to introduce mandatory vaccination through law, yet never completed or enforced this legislative effort. The author contends that, with a well-designed methodology and framework, any severe disease posing a substantial threat to individual and public health could warrant limitations on individual autonomy through scientifically validated and safe vaccines. However, in the case of COVID-19 coercive measures are deemed disproportionate to potential infringements on private life and individual consent for the sake of public health.

4 Outlook

The modernization of European legal education presents a compelling challenge that calls for enhanced interdisciplinary collaboration among academic disciplines and innovative teaching methods. This endeavor not only emphasizes the importance of preserving traditional approaches to legal disciplines and transmitting them to future generations, but also underscores the need to critically reassess and revolutionize existing structures in response to emerging subjects. As our societies become more diverse and our understanding of legitimacy, justice, and value undergoes transformations, it becomes imperative to reconsider the role of traditional values while exploring promising alternative approaches. We extend our heartfelt gratitude to the authors of this volume for their valuable contributions and fruitful collaboration throughout the extensive 36-month project. Our hope is that the sense of joy and collaboration experienced during this endeavor permeates through the pages of this volume, captivating and inspiring its readers in each individual chapter.

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