The consequences of European unification for legal education in the member states

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It is clear that European unification will affect legal education in Europe. Political integration and the increasing coming together of the legal systems in Europe need a new approach from universities teaching law studies. This article examines the goals of legal education and how they can be reached. In addition, it defends the thesis that a law faculty must not teach law, but must train lawyers: they must become technicians able to solve social and human problems by the legal route and they must be agents of peaceful change. It is argued that, in addition to national law schools, top law schools in Europe should be structured on the American model with very strict selection.

‘The lawyers know all about it’
The law, the lawyers know about, is property and land
But why the leaves are on the trees
And why the winds disturb the trees
Why honey is the food of bees,
Why horses have such tender knees,
Why winters come and rivers freeze,
Why faith is more than what one sees
And hope survives the worst disease
And charity is more than these
They do not understand

(Rudyard Kipling)

1. Why

Legal education is a room with a view. Tuition in our law faculties gives an idea of what law is now (at least in the conception of one or another faculty), what lawyers do, how the system works and how should it work. But it also provides a vision of the future since, at universities,
knowledge and opinion are passed from generation to generation, as a result of which the
civilization of tomorrow can be shaped. At all events, lawyers are always, certainly in a Western
society, those who give the lead and help to determine the pattern of standards (legislation).
What is taught and how this is done will much influence their attitude and their objectives.

Legal education thus provides not only enlightenment on law in its current form but also
a mirror image of society of the future. I have had the privilege of conducting audits, a form
of quality control, in The Netherlands, Flanders, Latvia, Aruba and Suriname and as an expert
for the World Bank I have formulated proposals for the ‘Reforma de la Justicia’ in Argentina
and Ecuador, in which legal education naturally had a central place. From this experience I
can confirm that, throughout the world, legal education fulfils this dual function: understanding
of existing law and preparation of law of the future.

A presentation on ‘The consequences of European unification for Legal Education in the
Member States’, requires a discussion of both the facets referred to, law faculties as a mirror
of legal systems (national and European) and pre-figuration of the law of the future. Not only
has European Unification (EU) significant consequences as regards the content of, and
approach to, legal education in Europe but, in addition, the question must, in my opinion,
be raised as to whether law faculties should not be the impellers in the unification of laws
in Europe and thus in a deepening of the EU! I shall not, however, split this dual problem
into two separate parts but incorporate it into the response to the fundamental questions that
concern legal education, what should it comprise and how should it be structured in
Europe?

There is at the present time no uniform legal education system for all Member States of the
European Union (with about 200 law faculties), to which must be added the differences in the
entire concept of a law faculty in the common-law countries. Must we, then, search for a
uniform system that can be gradually introduced into all Member States? My answer is, quite
apart from the feasibility of such a proposal, no. The rich diversity of legal cultures must
provisionally be maintained in the conviction that they will influence one another through
cross-pollination. Why, indeed, should anyone go to a foreign law faculty if this were to be
a mirror image of their own national law school?

Let us not forget that, in the United States, significant differences persist between the various
law schools. This is not only the result of their dispersion in a great many quasi-sovereign states
in the States of the USA but is also due to the distinctions between what are styled the leading
law schools (estimated at about 10 compared with a total of 200 universities) and the others.

This does not alter the fact that there will have to be some degree of consensus on the basic
concept of legal education in Europe and that it will have to be applied in its essential features,
albeit possibly in various forms, by all law faculties in Europe. I shall now make an attempt
to define and amplify this basic concept.

2. What

2.1. The goals of Legal education

It is clear that it is in accordance with the goals of legal education that we shall be able to give
an answer to the question of what its content must be.
In general

In general, it can be affirmed that we cannot disavow the academic tradition in Europe, law studies aim at an all-round legal training and not one of a technical or professional type. We must adhere to our standpoint that the widest intellectual and philosophical training must continue to form the bedrock of legal education. Moreover, this dovetails perfectly with our centuries-old tradition both on the Continent and in the United Kingdom. Vocational training takes place on the shop floor, ‘on the spot’, after the completion of university studies, in the so-called Referendarzeit, during traineeship with a lawyer, a solicitor or in the courts. Mutatis mutandis, training as an official or a company lawyer will be obtained either in the public service or in the private sector.

On the Continent too, and this is a Roman law tradition, the law is regarded as both an art and a science. Celsus said: ‘ius est ars boni et aequi’ (Dig. I, 1,10) and Ulpianus added: ‘ius est iusti atque inusti scientia’ (Dig. I, 1, 10)

Law is science because it aims at the acquisition of knowledge of facts and developments in law, legal standards and the way in which citizens habitually conform to them (Sein). But law is also art because it designs rules to which citizens have to conform in society (Sollen).

In particular

Now that, thanks to the information society, learning has ceased to be so important, a great deal of attention has to be paid to ‘learning to learn’. How do we obtain access to sources of law? How can we keep up with the current flux of events in the world of law? Legal education means the learning of methods specific to each approach to law: skill in legal analysis, the ability to distinguish the relevant from the irrelevant, the ability to deal with a large mass of facts, ability to bring together persuasive arguments on any side of a legal question, the ability to think constructively about societal and human problems and their solution. How a problem is approached or solved is more important than the content of the solution. In particular, lawyers must be sensitized to what goes on in society and among citizens. Two methods seem to me to be indicated for this purpose.

The Rotterdam Professor Ter Heide constructed the ‘res cottidianae’ method. He asked his students to bring newspaper cuttings with them to college, proceeding from the general conclusion that no social happening or human act is conceivable without involving a legal problem. I applied this method successfully for many years in my Procedural Law course, where every press cutting was found to contain the seeds of a possible legal action. For some time now there has been a movement for integrating more literature into legal education (Law in literature: Gaakeer, A. M. P. (2000) Magistratelijke lectuur, Trema, pp. 5 et seq., with detailed references).

For my part, I had the benefit as early as the first grade in law of coming to grips with an exceptional course, World Literature. We were confronted with hundreds of masterworks and did an enormous amount of reading. But there was no formal link with law. In my General Legal Doctrine course I made my students read at least one masterwork from world literature and note in it connections with law. The choice offered was fair enough: Sophocle’s Antigone, and also Jean Anouilhi; Albert Camus’ L’Etranger; Franz Kafka’s Der Prozess; William...
Goldings’ *The Lord of the Flies*, Multatuli’s *Max Havelaar*, Balzac’s *La comédie humaine*, Dostoevsky’s *Crime and Punishment*, etc. (The criticism that these were all dead white European males does not, of course, stand up against the fact that they were authors who helped to mould European society); needless to say, the Bible was also included.

Was it not T. S. Eliot who wrote that poets were the most authentic legislators?

Elisabeth Gemmete, who carried out an investigation into the literary component of American legal education (Law and literature, *Valparaiso Law Review*, 1989, pp. 267 et seq.), went on to publish a list of 50 law-related films.

Students must have the why and wherefore of legislation explained to them. Today they should perhaps be shown more and more why it would have been better for rules of law not to have been enacted, or enacted in a different way. The reference here is, of course, to Roman law, in my view an absolute must, and the history of law, both of which are essential to the study of the genesis of the rules of law. It is crystal clear that general principles of law must be a major component of legal education in Europe.

Here Art. 215 of the EEC Treaty (now Art. 235) provides a direct point of reference: general principles common to the laws of the Member States. The same is also to be found in international treaties and in national and international case law; the last-named is systematized by doctrine. At all events, from these sources, numerous general principles can be derived on which there may well be unanimity today: good faith, proportionality, right of defence, legitimate expectation, obligation to provide information, etc. Lastly, efforts must be directed more vigorously than ever to obtaining a proper balance as regards the imparting of any ideas in national and international law, in particular European law.

Here, in my opinion, the appraisal by Helmut Coing (European common law, historical foundation. In M. Cappelletti (ed) (1978) *New Perspectives for a Common Law of Europe*, 1978, p. 44) points the way when he speaks of ‘the immense role academic learning has had in the formation of our common law heritage, in the Middle Ages as well as in the Age of Enlightenment’. It was academic training based on European ideas that created a class of lawyers animated by the same ideas, and it was the European lawyer who preceded the European law. This is the point, I think, at which our academic responsibility begins. We should fight for an organization of academic training in the field of law at our law schools in Europe which, instead of dividing the lawyers in Europe, tries to further mutual understanding. We must revise the idea that dominated legal education in the 19th century, that national legislation must be the basis of legal training. The curricula of our law schools must not be restricted to the study of national law, and not even to national law combined with a certain seasoning of comparative law. What is necessary and what we must aim for is a curriculum where the basic courses present the national law in the context of those legal ideas that are present in the legislation of different nations, that is, against the background of the principles and institutions that the European nations have in common.

Helmut Coing’s standpoint needs to be studied more closely, and it gives rise to the fundamental question: must legal education be European and what does that mean?

It is a fact that the vast majority of disputes with which the lawyer is confronted in daily life have, as a general rule, nothing to do with so-called ‘European law’: divorces, industrial accidents, bankruptcies, criminal and disciplinary proceedings, rent disputes, etc. Even so, I feel that the embedding of these typical national conflicts into a European context can lead
to a better quality of legal protection. For instance, professional disciplinary law has, today, to be based mainly on international or, as the case may be, European legal principles, such as the European Court of Human Rights (ECHR).

Even if European embedding of this type can be reasonably accepted, the question arises: what is meant by European law? This obviously means European Community law, but this is too technical, too fragmentary and too limited and therefore cannot be the main source of legal education. In passing, it should be pointed out that the European machinery (chiefly directives and the preliminary ruling procedure) is certainly excellent, but unification along these lines is far too fragmentary a process. This is in marked contrast to what Gerald Fitzmaurice, in his dissenting opinion on the Marckx judgement, describes as a whole code of family law (Marckx v. Belgium, 13 June 1979, Series A, no. 31).

Rather, consideration must be given to the common law of Europe (ius commune), more particularly, to quote from Coing’s assessment: ‘principles and institutions which the European nations have in common’. This should be the central concept: stressing what is common in the legal culture and tradition, so that by means of convergencies it can serve to create a genuine legal heritage of, and for, Europe.

In the rest of my text here, the term European law will be used in this dual meaning. Where I simply have Community law in mind, I shall say ‘European Law (sensu stricto)’; if only European common law is meant, I shall use the term ‘ius commune’.

The question keeps coming back, must one proceed from the national law or from European law? Personally, I find the question wrongly worded. It is never either one or the other, but one and the other, for European law has become an integral component of national law, a situation that was once picturesquely interpreted by Lord Denning as: ‘European law is like the incoming tide’.

National law, for its part, remains the cornerstone of the European edifice. I will give three examples. If the national procedural law proves to be an obstacle to the proper functioning of European law, then it must be set aside (Factortame).

If, in English common law, there is a need for any form of seizure for security, the common legal heritage has to be explored for Continental legal concepts (Mareva injunction, Anton Piller order).

If, on the basis of European law strictu sensu, the intention is to hold states responsible for improper or belated implementation of directives, action has to be taken via the national procedural law (Francovich). Let us not forget, moreover, that it is precisely the instrument of the European national directive that holds the balance between European unification and identity.

In short, European legal education must embrace European and national law in equal proportions, because both are members of the same family. At the same time, existing law must be registered and future law shaped. Or, to put it in another way, European lawyers must be trained so that they can later act as lawyers for Europe.

This task is also one for the university, training budding young lawyers to be improvers of the law.

The question, then, is how unification or approximation, according to the case, can be accomplished. In the Monnet Lecture, I made an attempt to trace the routes to European unification: Lord Mansfield (case law); von Savigny (legal doctrine) or Portalis (legislation)?
In the final analysis, it emerged that unification needed to be firmly underpinned by means of comparative case law and legal science and legislation. It is clear that, via this doctrine, the law schools will be able to promote such unification (Storme, M., Lord Mansfield, Portalis or von Savigny. Overwegingen over de eenmaking van het recht in Europa, in bet bijzonder via de vergelijkende rechtspraak, T. P. R., 1991, 849 et seq.).

To sum up, I believe that a resolute choice must be made in favour of European education in which national law and European law have a permanent place in hybrid form. It will thus not be a case of the study of European law but of the European study of law. For instance, European contract law will be side by side with European procedural law, to take the two branches of law which, in my view, are the most urgent cases for unification.

The problem is, of course, that in the meantime new textbooks will have to be written from this new, not traditional, angle. But some have already appeared.

I shall revert to that matter (European legal education) at a later stage.

3. How

To attain the objectives outlined above, and mainly in the light of the EU, it will be necessary to examine how all this can be done. First, a word about admission to law faculties in Europe. In his ‘Legal education there and here: a comparison (Stanford Law Review, 1974, p. 859 et seq., republished in The Loneliness of the Comparative Lawyer, The Hague, 1990, p. 53 et seq.), the well-known comparative lawyer, John Henry Merriman makes what he calls a fundamental distinction between legal education in the United States and the European civil law countries by reference to democracy and meritocracy. In a sense, this difference results from two major inconsistent forces in higher education: on the one hand there is a desire to make higher education available to everyone without distinction, on the other there is the desire to make the university a place in which academic merit is recognized and rewarded. One ideal leads to the conception of the mass university, the other to the university in which admission and advancement are controlled on the basis of academic aptitude and performance. It is my observation that universities in the civil law world lean in the democratic direction, while meritocracy is the dominant ideal in American universities. This is not to say that merit is totally ignored or devalued in the civil law world, nor that American universities ignore democratic considerations; it is only to suggest a significant difference in emphasis. I doubt whether this contrast can be sharply defined.

However that may be, it occurs to me that at European law faculties both admission criteria should be applied, i.e. ample opportunity to grant admission to the university in a democratic way, but coupled with strict selection that must be done in the first year of law studies. During audits in Belgium and The Netherlands, I have been struck by the fact that, here, too much emphasis is still laid on the idea that everyone who starts on his or her university studies must complete them. But could it not be argued that, in addition to the ordinary law schools, top law schools in Europe should be structured on the American model: strict selection (by means of an entrance examination) and, as a consequence, a low take-up?

Forty years experience as a lecturer in two Belgian law faculties (Ghent and Antwerp) and teaching assignments in many other faculties (Brussels, Leiden, London, Bologna, Tokyo) have taught me there may be more and more lawyers needed in our society, so preoccupied
are we with the law, but, above all, that there is a crying shortage of top-ranking lawyers in
Europe. This is the reason for my proposal in favour of top-class law schools. In my view,
some 50 large law schools should be created in Europe. In the case of Belgium and The
Netherlands, for instance, the number of such faculties could be about four. I have, in my time,
pleased for a single large law faculty in Flanders, but the reaction was so violent that today
I discreetly add that the other existing faculties should, of course, continue to operate at national
level.

This brings me to a second related consideration. A law faculty must not just teach law, it
must train lawyers. Europe was not made by texts but by lawyers, lawyers who drew up the
basic texts for the treaties, legal scholars who guided the construction of the European
institutions with a critical eye and tried to make a coherent whole of them, and judges,
both European and national, who have created the real Europe. The lawyers now being
trained will determine aspects of Europe in 2015–2025. It is they who will ‘prop up’
Europe.

We must, therefore, train lawyers without frontiers, lawyers who are trained on national but
also on European lines. These lawyers must acquire a dual qualification, i.e. they must become
technicians who must be able to solve social and human problems by the legal route and agents
of peaceful change who, in the words of the poet and Nobel Prize winner Seamus Heaney,
‘can change hope into history’.

This can best be done at the already mentioned European law schools. As regards the
duration and structure of the law curriculum, a number of joint proposals come to mind, as
emerged from the Sorbonne (1998) and Bologna (1999) declarations. (see in particular on this
subject Willems, J., De Sorbonne verklaring en de Bologna verklaring: Naar de Euro voor de
Europese diploma’s? The opening speech at the State University of Ghent, 1 October 1999).

From these proposals there emerged a tripartite structure: bachelor/master/doctor. Those
who are acquainted with the underlying documents know that this amounts to 3 years + 2 years
+ 3 years. This seems to be a worthwhile idea. The proposal was partly suggested in a paper
by M. Van Hoecke and F. Ost (Naar een Europese rechtsopleiding, R. W., 1989–1990, 1001:
Pour une formation juridique européenne, J. T., 1990, 105), which put forward a bipartite
structure: a three-year European cycle and thereafter two years of the student’s own national
law.

The curriculum in Belgium is one of five years, in The Netherlands one of four years. The
latter seems to me to be too little, as I said in my introduction to the audit report on the Dutch
law faculties.

However, the diversity is still greater on the European scale: five years in four countries,
four years in four countries and again, 3–3.5 years in three countries! (See, on this subject,
Lonbay, J. (1992) Differences in the legal education in the member states of the European
Community. In De Witte, B., and Forder, C., The Common Law of Europe and the Future of
Legal Education, Deventer, pp 75 et seq.).

At all events, however, it seems to me unacceptable that, as stated in the Bologna declaration:
‘the degree awarded after the first cycle of 3 years shall be relevant to the European labour
market as an appropriate level of qualification’. Training of first-class and second-class lawyers
is lamentable.

Through a European Credit Transfer System, the flow from one university to another could
be on a wider scale. It seems to me that more students should give preference to study at a foreign university for the full curriculum, or at any rate for parts of it to be taken at several foreign universities. Let us not forget that up to the 19th century, lawyers travelled around and studied at the large universities. It is clear that a properly functioning credit system would serve to optimize this facility. In particular, study at one of the aforementioned top law schools for the best students should be promoted. A generalized university quality-control system should be designed and subjected to regular monitoring. I can testify that the Utrecht model, V.S.N.U., strikes me as particularly commendable. As regards law studies there may be too much emphasis on the ‘effectus civilis’ (see also on this point Bruinsma, F. (2000) De ondraaglijke lichtheid van de rechtenstudie, N. J. B., 1371 et seq.).

These control systems afford European-wide transparency, inevitably enhance the quality of instruction in law and enable students to make a responsible choice among the various faculties open to them.

There is, of course, the European dimension, where the basis has always to be the need to embed legal education in the national system. In this context, therefore, I leave out of consideration specific university institutions that have an exclusively European dimension, such as the College of Europe in Bruges or the European University in Florence.

What we are concerned with, therefore, are law schools in the Member States of the European Union whose task is to train the students entrusted to their care to become fully-fledged lawyers. These, then, are lawyers who are at home in their own national legal culture. However, in the light of European unification, an increasingly important place must be accorded to European law. (In the reference work Guide to Legal Studies in Europe 1998–1999, it is not made sufficiently clear where and how European law is to be taught. Yet we know that this is being done everywhere, even in states that will enter the EU only in the 21st century).

In this connection, it must be underlined that European law really has to be a compulsory component of the ordinary curriculum and thus cannot be added artificially in postgraduate studies. In the law faculties that should present an image of a major law school, a sort of ‘grande école de droit’, European law must be studied in keeping with objectives other than those that will be applied in the other faculties: here, I feel, the accent should be laid on European law for the benefit of lawyers who are expected to work mainly in the European domain, EU officials, lawyers working in the legal services of national ministerial departments, company lawyers in multinationals, lawyers in offices with a European network, persons working in international employers’ organizations, trade-unions or professional organizations; and lawyers who are trained to contribute to the further integration and unification of law in Europe. Here, of course, I have in mind unification of contract law along the lines set by the Ole Lando Commission and the unification of procedural law in continuation of the activities of the working party I chaired, known as the Storme Commission (Storme, M., (ed.) (1994) Approximation of Procedural Laws in Europe, The Hague).

For this purpose, I consider a very rigorous system of training must be ensured: a subject-based introduction to the laws of the Member States. I shall give one example from my experience in this Commission. If we want an institute in Europe that can enforce genuine compliance with a legal judgement, we shall have to focus our attention on the astreinte in the Benelux countries and France, and contempt of court in common law and other such
European unification and legal education

It is only with a thoroughly well-developed system of comparative law that unification will be attainable.

That several languages will have to be used in this process is equally obvious. English is not the first anywhere on the Continent mainland except Gibraltar, furthermore, this language, on account of the special features of common law, could be unsuitable as a lingua franca for law. I have in mind particularly, of course, but not exclusively, procedural law. Needless to say, one cannot learn to use all European languages, but the objective criterion should be languages that are spoken in more than one European country, which prompts the following selection: German, French, English, Dutch and Swedish!

To universities there should be attached research institutes for European law based on the Max Planck model. At the other law schools, of course, a high-quality legal education must be provided, but the accents on completion of the European dimension will lie elsewhere. Here, I perceive two main points of difference. In the first place, instruction in European law must be focused on the national case law, in which European law will obviously fulfil a purpose, since leading European law actually forms part of national law. Needless to say, a general introduction to European law (institutional, legal protection, substantive law) is still necessary, and thus has to be generally integrated into the law curriculum as a compulsory subject. But comparative law is assigned another objective here, because it has to be applied, not for the purpose of European unification, but for that of improving the national law. It is through the exploration of foreign systems of law in the EU that a country’s own rules can be improved and sharpened up. In Belgium, for instance, summary jurisdiction, in which the deposit of a specific sum as a provisional payment can be ordered, has been introduced via case law, which had adopted the concept of ‘réfééré provision’ from the French Code of Civil Procedure.

4. Legal education outside the university

Although it can hardly be denied that legal education is provided largely, if not almost exclusively, by the universities, attention must nevertheless be drawn to what I would describe as Additional Legal Education (ALE). By this I do not, of course, mean the spurious schools which, under the guise of a European business school, also claim to be teaching European law. What I have more in mind are all initiatives aimed at contributing to a supplementary form of education in European law. In the first place, there has long been in existence a type of post-university retraining (or post-academic education). At my alma mater, Ghent, refresher courses have, for more than a quarter of century, been given on the most recent developments in legislation and case law in a wide variety of fields.

In a system of this type, European law has to be accorded a permanent and central place. There is the explosive expansion of law offices, which have mainly located in my country, especially in Brussels. But there have also arisen European networks, frequently in the form of an EEIG (European Economic Interest Grouping). These are symbolic of what I have called the hybrid of national and European law embedded in the national legal systems and fuelled through the European network by European common law.

In the law offices, European-wide cooperation has thus been developed, which finds expression in such activities as exchanges of lawyers, traineeships in other countries and European units within each office. Lastly, there is the board for judicial studies in continuing
education. It exists in The Netherlands (Zutphen, 1957), France (Bordeaux, 1958) and Spain (Madrid) and even, in an embryonic state, in England and Wales (London, 1979).

It is clear that, in these centres, judges ‘present and future’ are prepared for, or given guidance in, their duties in the administration of justice, and the application or interpretation of European law stricto sensu is becoming increasingly important and is therefore having to be dealt with in depth in the curriculum. The Zutphen centre showed that it was fully aware of this when, in 1997, it devoted a large scale international symposium to ‘the European ambition of the judiciary’. But that is not all. Last year I argued the case for a European board for judicial studies in continuing education; needless to say, located in all Member States of the EU. This proposal has a dual aim. One is that a contribution can be made to European Integration through the national case law. But at the same time the confidence of the European citizen can be strengthened.

Let it not be forgotten that, in the near future, every judgement by a court in the European Union will be enforceable in the EU without an enforcement order. This presupposes a blind trust in all European judges, which has to be based on the guarantee of appropriate and comparable education for the judiciary (Storme, M. (2000) Pleidooi voor een Europese magistratenschool. In Storme, M., and Hertecant, L., _De Magistratenschool_, p. 15 et seq.).

In conclusion: Et ceterum censeo. To sum up, it can be said that European legal education, along the pattern outlined above, is seen to be the most satisfactory route to a common European law. This will help towards the creation of a wider European choice of the most suitable universities for everyone whose interest lies in that direction. It will serve to promote greater freedom of movement for lawyers, provided a solution is urgently found for the recognition of professional qualifications.

In the long term, it will lay the foundations for a codification in fields where unification is imperative, in particular, as I have already advocated, in contract and procedural law. To recapitulate the words of Zweigert/Kötz: ‘Wenn es uns gelingt, diese Aufgabe zu lesen, so würden wir die wissenschaftlichen Grundlagen verfügen, die wir brauchen, wenn es später einmal aus politischen Gründen die Schaffung eines europäischen Zivilgesetzbuch auf der Tagesordnung steht’. Here, however, a serious warning must be sounded. Hannah Arendt (quoted in the journal _Nexus_, which is established in the Catholic University of Brabant in Tilburg: _Nexus_, 2000, no. 26, p. 134) has called attention to statelessness and ‘worldlessness’. Even the law will lose its essentiality if it loses its nationality before it is rooted in the EU. In the further development of European law this is a real danger that must be reckoned with. Voltaire once wrote: ‘Voulez-vous avoir des bonnes lois? Brûlez les vôtres at faites-en des nouvelles’. A better way would be: ‘Faites-en des nouvelles et puis brûlez les vôtres!’

What may be needed is action in the quest of functional unity in Europe. More particularly, the European Commission should be able to finance scientific projects to examine, where European unification is concerned, what result has been obtained and what result was aimed at. It is my conviction that, in the further development of law, the sharpness of many frontiers will have to be diminished. Today, for instance, the traditional separation between public law and private law and between national and international (European) law has become outdated. This is therefore the precursor of a European law without internal frontiers.

Finally, I should like to think that, in the European law schools of the future, the rest of
the world will not be lost sight of. The world of law is not in the business of erecting an egotistical bastion in Europe, quite the contrary. European lawyers are on the way to becoming global citizen lawyers.

There are still states where human rights are flouted. Not to mention those countries where such rights are denied in a latent and insidious manner. According to data supplied by Amnesty International, there are currently thousands and thousands of political prisoners throughout the world. In addition, and this shames every one of us, each year 15 million children die below the age of five, i.e. more than 40,000 per day. The Convention on the Rights of the Child imposes the obligation to take all appropriate measures to reduce infant mortality (Art. 24.2). I call for a European Class action to make this enforceable.

I shall end on this note: if legal education does not help to bring about more justice through European law, then it is of no use at all. Law schools must therefore pre-eminently be places where the quest for justice is stimulated day after day.

About the Author

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