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PROVISIONS OF MAŽURANIĆ'S ACT ON THE ORGANIZATION OF PUBLIC SCHOOLS AND TEACHER TRAINING SCHOOLS AND LEGISLATIVE FRAMEWORKS FOR ENCOURAGING CREATIVITY IN EDUCATION

ABSTRACT: Ivan Mažuranić, a Croatian Ban who reigned from 1873 to 1880, implemented significant reforms in education, administration, and judiciary as part of his political program aimed at providing a modern legal framework for Croatian autonomy. During the second year of his reign, on August 19, 1874, Ban Mažuranić proposed the draft Act on the organisation of public schools and teacher training schools, which was adopted and confirmed by the Austrian Emperor and Hungarian-Croatian King Francis Joseph I on October 14, 1874. This Act is considered to be the first Croatian autonomous school law and one of the most liberal school laws in Europe, establishing schools as secular institutions. While many provisions of that Act remain applicable in

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today's Croatian educational system, they sparked some serious debates and protests across social classes at the time. A qualitative comparative analysis of this Act and the current Act on education in primary and secondary schools will compare the legislative frameworks for encouraging creativity in education and enabling the autonomous work of teachers. By enacting this law, Ban Mažuranić demonstrated his commitment to fulfilling his election promises. Along with other laws enforced in judiciary and administration, this Act paved the way for the modernization of the former Croatian state, aligning it with European standards of a modern civil state.

Keywords: *Ivan Mažuranić, reforms, education, judiciary, creativity.*

1. Introduction

The division of the judiciary and administration and the reform of education in Croatia in 1874 was one of the fundamental interventions undertaken during the period of Ban Ivan Mažuranić (1873–880). The ultimate goal of Ban Mažuranić's policy was the construction of a modern legal infrastructure of Croatian autonomy and the rapid return of the Military Frontier to the motherland (Čepulo, 1999, p. 227). In his inaugural speech at the installation ceremony as Ban in the Croatian Parliament on 30th September 1873, Mažuranić, in addition to reviewing his previous work, also presented short programmatic guidelines for future work, which, we can freely say, he later tried to consistently adhere to. As a politician with great experience, he knew how to assess what was most important for the interests of Croatia in the period to come, but in this regard, he did not promise anything more than "what can be done", so he acted as a realistic politician and statesman. Addressing the members of the Parliament (Sabor) on the occasion of his installation, said: "...*Gentlemen, as for these steps that should be taken in our country, Mr. President outlined them very well. We need reforms in the judiciary, we need reforms in teaching and education, we need reforms in administration, and legislation, in every profession. Gentlemen, my greatest concern will be to do in all these professions what can be done, and what my power may not be able to do, gentlemen, I think that you will support me with your advice and voice; I think that in every place, both in the people and in the parliament, you will support what seems to me to serve the benefit of our country. You, gentlemen, will always find me on the path of the law...*" (Milušić, 1994, pp. 44–45). We can conclude from the speech that reforms in education were not without reason at the beginning of his speech because they, along with the reform of the judiciary and administration, were nevertheless the most important step of

modernization as well as the most important reforms within the implementation plan. As he promised, Mažuranić immediately after coming to the position quickly approached the adoption of the appropriate law in the field of education.

2. Mažuranić's Act and legislative frameworks for encouraging creativity in education

On 19th August 1874, Ban Ivan Mažuranić proposed to the Parliament a draft Act on the organisation of public schools and teacher training schools in the Kingdoms of Croatia and Slavonia (The Act on the organization of popish schools and preparations for popish teaching in the Kingdoms of Croatia and Slavonia), which was voted on and already on 14th October 1874, received the confirmation of the Austrian Emperor and the Hungarian-Croatian King Francis Joseph I. The Act was considered one of the most liberal in Europe at that time, and many novelties and legal articles showed great social sensitivity (e.g., § 17, § 41, and § 42). However, what is perhaps the most important in the law itself, which makes it different from other European laws of that time, are the legal articles that (in) directly encourage creativity in education. It is important to emphasize that this law made elementary (folk) school compulsory, and a mandatory weekly class schedule was prescribed, which could not last less than 20 hours, nor more than 25 hours per week, not counting gymnastics, singing, and practical exercises (§ 15).

The most important innovation is the introduction of teaching subjects that were almost revolutionary at the time, and today, according to the positive regulations of the Republic of Croatia and other countries, they are considered an integral part of the curriculum of all primary schools in Europe and the world. Act's § 54 states:

The subjects taught in the elementary school are as follows:

- a) doctrine of faith,
- b) mother tongue (§. 11), reading, writing, grammar, exercises in speech and written expression of thoughts,
- c) accounting,
- d) geography,
- e) history,
- f) physics,
- g) natural history, based on reading books,
- h) calligraphy,
- i) geometric morphology,
- j) singing,
- k) gymnastics,

1) practical instruction in the most important professions of the economy.

In addition, for female children, female handicrafts and household instructions.

New subjects such as singing (today's musical culture), gymnastics (today's physical and health culture), and home economics certainly contributed to the maximum stimulation of children's creativity in terms of intellectual and physical capabilities. The Act included singing in the lesson plan, which gave teachers additional opportunities for creativity in education through musical expression. Also, the Act included gymnastics and thereby showed that it recognizes the importance of proper physical development of children from an early age. The issue of physical education is especially topical today, when children's activities are reduced to sitting next to electronic devices, both at school and at home. In addition, the Law provides for female children to be sent to the household, something that is considered extremely useful (not only for female children), which has been heatedly debated in recent times, and in the end, it was decided that the household should return to schools. The legislator has already shown with several subjects that he was far ahead of his time in the design of teaching in some segments, primarily due to the possibility of creativity when performing the aforementioned subjects and the very creative nature of the aforementioned subjects.

Today, the lesson plan and program are not regulated by law, but musical culture and physical and health culture are indispensable parts of the lesson, with the possibility of choosing additional sports content as optional activities. For children with an increased inclination towards music, there are various private schools where they can get additional education and develop their creative talents.

Another innovation in the Act that encourages creativity in education, and perhaps even pushes it to its limits, is the training of future teachers for teaching deaf and blind children (§. 83), which is a big step in the education of children with special needs, since the Act does not forget them and puts them on an equal footing with other students.

Perhaps one of the biggest legislative frameworks for encouraging creativity in education is the establishment of kindergartens (§ 76):

In addition to every preparatory school, there must be a general public school and a school workshop for practical training of future public school teachers.

Besides that, there must be a sufficiently spacious garden and an exercise alley for male trainees and a kindergarten next to female trainees.

The Act stipulates the establishment of a kindergarten next to every female teacher training school for the practical training of female students. It was the

first time in history that an institution for early-age children was mentioned in a legal document. Kindergartens are additionally justified by the Order on the Organization of Kindergartens (Order on the organization of kindergartens), which was passed in 1878 and clarifies the content, scope, and organization of the kindergartens themselves. The order states that any training in the school sense is excluded and clarifies the spatial arrangement of the entertainment venues themselves. By introducing kindergartens as a basic and mandatory institution for preschool children, the legislator devotes maximum attention to the upbringing and education of children from the earliest age and creates frameworks that maximally encourage creativity in the preschool education phase.

3. Comparison with leading European countries

The situation in Europe regarding modern laws and the organization of modern education varied, but in the vast majority of cases, Croatia (or Austria-Hungary) was in the lead. We will briefly describe the situations in the three leading European countries of that time: France, the United Kingdom, and Germany.

France

In France, until 1880, the elite of French society, who could pay for education, were mainly educated. It was not until the end of the nineteenth century that the education reform introduced compulsory and free education for all. The French state then created a network of secondary state schools. Public schools had uneven criteria regarding the amount of enrolment fees and school fees and the quality of teaching staff. Primary schools were under the administration of local authorities. The state allocated few funds for education, so education depended on the economic strength of the local community (Watson, 1966, pp. 85–87).

Changes in French education at the end of the 19th century took place in moments of great economic and political turmoil, the collapse of the Paris Commune on 28th May 1871, and the birth of the Third Republic in 1875. Significant acts from that period for education are primarily the Act from 1878, which obliges communes to form their own primary schools, the Act from 1881 on free primary education, the Act from 1882 on compulsory attendance at primary schools, and the Act from 1904 according to which priests and religious organizations were forbidden to teach anything (Puljiz, 1997, p. 164).

None of the aforementioned laws have the elements of innovation that we find in the Mažuranić's Act.

United Kingdom

At the end of the 19th century, the United Kingdom struggled to maintain its position as a leading maritime and colonial power. Thanks to the expansion of the economy and numerous technological innovations, industrial production is growing, and the English economy is arguably the strongest in the world.

Industrial production has led to a great demand for labour, which has resulted in the employment of children in construction, factories, and mines. Working hours used to last up to sixteen hours a day, and it was not until the laws of 1847 and 1850 that the working hours for women and children under the age of eighteen were limited to ten hours a day. Such employment of children resulted in the fact that in 1860, only slightly more than 20% of children between the ages of 5 and 15 in London were educated in day or Sunday schools, while the rest of the children were not educated (Black, 2004, p. 266).

It was not until 1833 that the British Government allocated funds for the promotion of education in schools for the first time in history. In the same year, it passed a law requiring children employed in factories to attend school for at least two hours a day. Contribution to the education of the poorest children was also the foundation of the Ragged Union of Schools in 1844 as well as the Public Schools Act of 1868 which brought about the long-awaited reform of the public school system in Britain by establishing basic requirements for children.

The year 1870, when state schools were introduced, and 1891, when free primary education was introduced, are significant for the education system of Britain (Puljiz, 1997, p. 165).

Comparing the British laws with the Croatian Act on the organisation of public schools and teacher training schools in the Kingdoms of Croatia and Slavonia from 1874, we can see that the Croatian Act is ahead of the British Act in almost all segments.

Germany

After the unification in 1871, Germany became a strong industrial country. The data that speak in favour of this is the sudden growth of the urban population (in 1870, Germany had 36% of the urban population, and already in 1910, almost 60% of the urban population lived in cities). In steel production, which is a clear indicator of economic strength, Germany surpassed France already in 1875 (2 million versus 1.5 million tons of steel produced), and Great Britain in the first decade of the 20th century. Germany was the cradle of the second industrial revolution, characterized by the large use of electricity and internal combustion engines (Puljiz, 1995, pp. 243–244).

While the industrial revolution created the need for the establishment of technical schools, a spiritual movement called Neohumanism made significant changes in the curriculum of German high schools of the time, as well as changes in the curricula of elementary schools. Elementary schooling was extremely developed, compulsory, and under state administration, but it still did not have the characteristics of mass education.

During 1892, three types of secondary schools were introduced: classical high school, real high school, and upper real high school. Upon completion of these schools, one could enrol in a university.

Due to the needs of industrialization, the so-called incomplete secondary schools where education lasted for six years and from which it was possible to transfer to complete secondary schools. These incomplete “secondary schools” were supposed to provide working youth with higher education (Puljiz, 1995, p. 245).

At the end of the 19th century, an eight-year compulsory schooling was introduced. The schools were partly religious and partly mixed, and they were financed from municipal funds, as were complete secondary schools.

Elementary and upper elementary schools were mostly attended by children of poorer parents, while the ruling classes sent their children to grammar school preparatory classes or taught them privately, at home. Extension schools were also intended for poor children, which developed strongly at the beginning of the 20th century and in some cases became mandatory for young artisans (Žlebnik, 1970, p. 178).

Analysing the reforms of the educational system in Germany, we can say that the German legislation of that time was developed and perhaps the most modern in all of Europe at that time.

4. Conclusion

The time of Ivan Mažuranić as Ban was accompanied by numerous successful reforms of the administration and the judiciary, but also of education, which was precisely thanks to Ban Mažuranić and his Act on organisation of public schools and teacher training schools in the Kingdoms of Croatia and Slavonia, which experienced a real flourishing. As the first Croatian autonomous school law, we have the opportunity to see how the liberal legal provisions enabled the realization of creativity in education, primarily through innovative programs such as physical and musical education or home economics, which is really very necessary for today's students, and perhaps the biggest innovation, the introduction of kindergartens.

By comparing the other laws of that time, we have the opportunity to see how much larger countries than Croatia were scrambling for modern educational legislation and began to introduce reforms in education only at the end of the 19th and the beginning of the 20th century.

Following all of the above, we can clearly say that Mažuranić's The Act on the organization of popish schools and preparations for popish teaching in the Kingdoms of Croatia and Slavonia provided a prerequisite for the creative, but also autonomous work of teachers, and opened the way for the modernization of Croatia and its faster approach to European standards of a modern civil state, which we can see in the current Act on education in primary and secondary schools, which was designed in the spirit of Mažuranić's Act and on whose foundations today's education rests.

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ODREDBE MAŽURANIĆEVOG ZAKONA O OSNIVANJU NARODNIH ŠKOLA I PRIPREMA ZA NARODNE UČITELJE U KRALJEVINAMA HRVATSKOJ I SLAVONIJI I ZAKONODAVNI OKVIRI ZA PODSTICANJE STVARALAŠTVA U OBRAZOVANJU

APSTRAKT: Za vreme banovanja Ivana Mažuranića (1873–1880) sprovedene su brojne reforme u prosveti, upravi i sudstvu, budući da je politički program njegovog banovanja bio zasnovan na izgradnji moderne pravne infrastrukture hrvatske autonomije. Već druge godine svog banovanja Ivan Mažuranić je predložio Saboru 19. avgusta 1874. godine

nacrt *Zakona ob ustroju pučkih školah i preparandijah za pučko učiteljstvo u kraljevinah Hrvatskoj i Slavoniji*, koji je izglasani i već 14. oktobra 1874. dobio potvrdu austrijskog cara i ugarsko-hrvatskog kralja Franje Josipa I. Zakon se smatra prvim hrvatskim autonomnim školskim zakonom, ali i jednim od najliberalnijih školskih zakona u Evropi, budući da od ovog Zakona škole postaju sekularne institucije. Mnoge odredbe ovog Zakona i dalje su aktuelne i primenjive u modernom hrvatskom obrazovanju, ali su pre stupanja na snagu izazvale ozbiljne rasprave i proteste svih slojeva društva. U kvalitativnoj uporednoj analizi *Zakona ob ustroju pučkih školah i preparandijah* te aktuelnog *Zakona o odgoju i obrazovanju u osnovnoj i srednjoj školi* poredit će se zakonodavni okviri za podsticanje kreativnosti u obrazovanju koji obezbeđuju prepostavke za kreativan i samostalan rad nastavnika. Usvajanjem ovog Zakona, ban Mažuranić je već u prvoj godini svoje vladavine stavio do znanja da planira da održi izborna obećanja i njime, uz druge zakone iz oblasti pravosuđa i uprave, otvorio put modernizaciji banske Hrvatske i njenom bržem približavanju evropskim standardima moderne građanske države.

Ključne reči: Ivan Mažuranić, reforme, školstvo, sudstvo, stvaralaštvo.

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