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# The Development of Denominational Educational Institutions in Slovenia<sup>1</sup>

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## Introduction

The problem of adjusting and reconciling the claims of church and state in education is very old. Historically, 'whatever the theory, the state simply was not in position to run schools; the church pre-eminently was' (Goodings and Lauwerys, 1966, p. 1). The emergence of the modern state created a rival to religious organisations in the field of education. At the present time, the state is almost everywhere more powerful than the church. In the countries where the latter enjoys prestige, it does so by permission and with the support of the state.

In most European countries a separation between church and state exists; however, this is interpreted in different ways depending on the cultural and political differences within distinct historical developments. Similarly, the experiences of Western European countries illustrate that there is no single and simple answer to the question of what constitutes a 'democratic' arrangement of the roles of state and church in education.

It is well known that until the systemic change of 1990 the 'socialist welfare state' that existed in unique form in the countries of Central and Eastern Europe did not allow scope for either civil organisations or the market in the area of service provision. Furthermore, during socialism a series of regulations restricted the role of the church in society and religion was moved from the public to the private sphere. The renaissance of civil activities and a relaxation of restrictions on the church began in the 1980s and 1990s. After the systemic change new solutions and new structures became possible and necessary. Religious organisations gained the right to establish service-providing structures in all areas of welfare, which resulted in an explosive growth of structures of this kind. It is not irrelevant that the revival of church activities in postsocialist countries is often referred to as an 'elephant-syndrome' (Tomka, 1999, p. 57). According to Tomka (1999, p. 57) 'even if churches contribute to the emergence of civil society, they may hinder the rise of other participants in the public scene because of their dominance (and perhaps because of their exclusivist behaviour)'. This suggests that the claims of church involvement in education would be particularly evident in the case of transition countries.

According to James (1993) most founders of private nonprofit schools are ideological organisations, especially religious organisations. Proselytising religions such as Christianity have historically used schools as a mechanism for shaping values, socialising old members and attracting new ones; the church has traditionally run its own school system with these objectives in mind. The nonprofit form is used since these founders are interested in maximising membership to the faith rather than making profit (James, 1993, p. 577). Similarly, Kolarič *et al.* (2002) have argued that the church would be particularly active in the area of education, thus legitimising its activities. It could be expected, therefore, that the

development of private nonprofit-supply in education in the postsocialist period would be mostly attributable to denominational institutions.

The purpose of this paper is to examine the development of denominational educational institutions in Slovenia during the first decade of the transition period from 1990 until 2000. The term 'denominational educational institutions' refers to educational institutions established by the Roman Catholic Church at all levels of education from pre-school education through university education. Slovenia belongs to the 'Latin religious pattern' (Smrke, 1996; Flere, 2001; Tomka, 1999, 2001) characterised by a dominant, almost monopolistic position held by the Roman Catholic Church (hereafter referred to as the church). Denominational educational institutions are defined as private nonprofit organisations (NPOs). The development of denominational educational institutions will be explained, therefore, within a private nonprofit-sector theoretical framework. For a better understanding of the development of denominational educational institutions, I shall also provide a brief overview of church-state relations and of political parties in power.

In European countries, different patterns of church-state relations and different state policies towards denominational educational institutions exist, and postsocialist states are no exception. My approach will therefore describe and seek to explain the development of denominational educational institutions in Slovenia relating to the following questions: What kind of government policy has developed toward denominational educational institutions and what is their current role in the education system? What is the nature of church-state relations deriving from political parties in power? How extensive has been the development of denominational educational institutions?

### **Government Policies toward Denominational Educational Institutions**

In order to understand the development of denominational educational institutions it is first necessary to look at government policies. In Slovenia denominational educational institutions are included in the legislation for private education. They are considered private as they are privately founded and, most importantly, because they do not belong to the public education network. Their status distinguishes them from those private pre-school institutions and schools which operate on the basis of concession agreements<sup>2</sup> and whose programmes do not differ from the programmes of public pre-school institutions and schools. The Organisation and Financing of Education Act (OFEA) (*Zakon o organizaciji in financiranju vzgoje in izobraževanja*) (1996) clearly specifies two types of private educational institutions: those with concessions (granted by the state or the local community) and those without concessions (established through private initiative). Private pre-school institutions and schools with concessions belong to the network of public pre-school institutions and schools, while the term 'private pre-school institutions and schools' defines those without concessions and includes denominational educational institutions. These two types of private educational institutions also differ according to the type and amount of public financing. The funding of private educational institutions with concessions is regulated in a similar way as for public institutions, which means that they are entitled to public financing in the amount of 100 per cent of funds per pupil paid to public institutions, while private educational institutions without concession, which includes denominational educational institutions, are funded on the basis of the law itself and entitled to 85 per cent of funds per pupil allocated to public educational institutions. It has to be noted that prior to the enforcement of this legislation in 1996 the status of denominational educational institutions was not clearly defined. Denominational educational institutions were regulated in the same way as other private nonprofit educational institutions and could be given concessions. The changes in the new legislation came about as a concession agreement 'represents

a state initiative' (White Paper, 1995, p. 236) and not a private one. This solution is also due to the curricula of denominational pre-school institutions and schools that contain confessional religious education, which in Slovenian public education is explicitly prohibited under Article 72 of the Organisation and Financing of Education Act. This means that in public schools and those entitled to a concession agreement it is forbidden to offer religious education or confessional instruction with the aim of teaching religion; and where a particular religious community may be in a position to exercise influence over the content, teaching materials and qualifications of the teaching staff, religious worship is also forbidden (OFEA, 1996, Art. 72). Therefore denominational educational institutions can no longer be granted concessions and they are regulated on the basis of the law itself. The same applies to other private pre-school institutions and schools which carry out educational programmes according to internationally recognised pedagogical principles (Steiner, Freinet, Montessori, etc.). Some denominational pre-school institutions also carry out these programmes.

While private pre-school institutions and schools receiving concessions carry out state-approved curricular programmes, denominational pre-school institutions and schools may carry out programmes where the contents may be determined by the institutions themselves but must be approved by the state. The programmes of all private pre-school institutions and schools must be approved by the relevant council of experts so as to ensure that the programme guarantees the attainment of equal educational standards (DENR, 2001, p. 44).

Denominational pre-school institutions and schools that satisfy the statutory financing requirements are entitled to receive budgetary funds and are funded on the basis of the law itself. However, this automatic system of financing does not apply to all types of programmes. This right is granted only to pre-school institutions and schools implementing state-approved programmes for pre-school children, programmes of elementary education, elementary music education and secondary general schools (gymnasiums). Programmes of private vocational schools, technical schools and higher educational institutions cannot be financed on the basis of the law itself but only on the basis of concession agreements (Eurydice, 2000). No institutions of these kinds are established by the church, however. This might be due to the fact that denominational educational institutions for the implementation of these programmes cannot be given concessions if their programmes include confessional religious education and are, therefore, not entitled to public financing. An exception is the only church-affiliated higher educational institution, the Faculty of Theology, which is included in the University of Ljubljana.

According to the legislation, denominational pre-school institutions and schools which are entitled to public financing on the basis of the law itself receive funding for each student in the total amount of 85 per cent of funds provided by the state or by the municipality for salaries and indirect labour-related costs per child, pupil or student of a public school or pre-school institution (OFEA, 1996, Art. 86). It is important to note that an exception was made in the case of denominational pre-school institutions and schools that were awarded concessions prior to the adoption of the new law. They are still financed in accordance with the concession agreements (OFEA, 1996, Art. 138) that were drawn up at that time. Under these agreements, private pre-school institutions and schools were entitled to 100 per cent of the funds allocated for salaries and operating expenses in corresponding public institutions. Denominational pre-school institutions and schools established after the new law came into force were, in the first three-year transition period following the enforcement of the act, entitled to 100 per cent of the funds per pupil paid to public institutions. After a three-year period they were financed up to only 85 per cent. This regulation was to facilitate the first years of their operation (White Paper, 1995, p. 234). All those established after 1999 are entitled only to 85 per cent of the funds. Financing and obligations

of denominational pre-school institutions and schools are further detailed and regulated by an individual contract.

In addition to the aforementioned, legislation restricts public financing of private primary schools in cases when the level of enrolments in a private school might jeopardise the existence of the only public school in the same locality (OFEA, 1996, Art. 87). Under such circumstances, private primary schools will not be eligible for public financing.

Entitlement to public financing also involves certain restrictions for private pre-school institutions and schools as far as the teachers' salaries and the standard and methodology of the teaching itself are concerned. Public financing of profit-oriented educational activity is prohibited.

As in all other spending units of the state budget, the Court of Audit of the Republic of Slovenia supervises the expenditure of public funds by private schools and pre-school institutions. Moreover, the National Inspectorate for Education and Sport may also supervise the spending of funds for specified educational purposes. In addition to the financial inspection, the National Inspectorate for Education and Sport also supervises the organisation and implementation of state-approved programmes in private schools and pre-school institutions in accordance with the School Inspection Act (Eurydice, 2000).

### **Typology of Relations between Government and Denominational Educational Institutions**

In order better to understand the position of denominational educational institutions in the Slovenian education system, the analysis is placed within the typology of relations between government and NPOs based on the following criteria (Kuhnle and Selle, 1992, pp. 26–31; Kolarič *et al.*, 1995, pp. 85–86):

- (a) *Dependence or independence between government and denominational educational institutions (with regard to financing and control)*. This dimension relates to the independence of organisations from the state; they may be either autonomous or dependent in terms of financing and control.
- (b) *Nearness or distance between government and denominational educational institutions (with regard to communication and contacts)*. This dimension relates to how close organisations are to the state with respect to the scope, frequency and ease of communication and contact. Organisations may be either near, hence integrated with the state, or distant and therefore separated from it (Kuhnle and Selle 1992, p. 28). The degree of communication and contacts is defined as 'whether the government considers these organisations as a serious partner with regard to meeting the needs of people and contributing to the general prosperity of citizens' (Kolarič, 1994, p. 149).

On the basis of these criteria, four ideal types of relationship between the government and NPOs can be identified (Kuhnle and Selle, 1992):

- Integrated dependence (dependence + nearness);
- Separated dependence (dependence + distance);
- Integrated autonomy (independence + nearness);
- Separated autonomy (independence + distance).

The relationships between the government and denominational educational institutions in Slovenia can be placed into the model of 'separated dependence', further defined as follows:

- A high degree of control;
- A relatively high degree of financing when attributable;

- A low degree of communication and contacts, which means that the government is not counting on denominational educational institutions in the provision of education and does not consider them as a serious partner.

As regards the criterion of 'dependence or independence', no further explanation is needed because it is clear from the legislative arrangements that the government exercises a high degree of control; the government also exercises a relatively high degree of financing when this is attributable. This is of crucial importance because certain types of programmes can be financed only on the basis of concession, which to denominational educational institutions *a priori* cannot be granted. Hence, there are important differences in the eligibility for government financing of denominational educational institutions in comparison with other private or state educational institutions, and this reflects on how denominational educational institutions are embedded in the education system. The situation could produce incentives or disincentives for the establishment of denominational educational institutions. This leads us to the next criterion of 'communication and contacts'.<sup>3</sup>

### Arguments for a Low Degree of 'Communication and Contacts'

In Slovenia there are many factors that lead to the conclusion that there is a low degree of communication and contacts, defined as meaning that the government is not counting on the denominational educational institutions and does not consider them as a serious partner in the provision of education.

First, this conclusion is supported by empirical research on the private nonprofit sector in Slovenia where these institutions have been included (Kolarič *et al.*, 2002). A survey<sup>4</sup> among a representative sample of NPOs shows that communication and contacts between the government and NPOs in Slovenia are rare and that the majority of NPOs believe that they have almost no influence on government decisions. The conclusion is that the private nonprofit sector in Slovenia is limited to a supplementary role in the welfare system and is not considered as a serious partner in achieving the prosperity of citizens (Kolarič *et al.*, 2002).

Second, the denominational educational institutions in Slovenia cannot by law form part of the public education network as other private educational institutions can. School autonomy is tied to the separation of state and church. Denominational educational institutions are considered private not only because they are privately founded but also because their establishment represents a private church initiative and not a state one.

Third, denominational educational institutions no longer have the possibility of being granted concessions as other nonconfessional private schools do. The choice of different educational possibilities, especially in the fulfillment of the right of parents to choose education for their children in accordance with their religious beliefs, is an important constitutional right, and therefore denominational educational institutions are treated as an important element in the fulfillment of these opportunities. The White Paper on Education (1995, p. 239) states that denominational educational institutions are treated as 'substitutional schools'. Nevertheless, on the basis of the legislative arrangements on the position of denominational educational institutions in the Slovenian education system it can be argued that their function is limited to a supplementary, and not substituting, role. This is clearly stated in the White Paper on Education (1995, p. 238):

The relation between the public and private sector should enable private schools to enrich public services, enable parents to choose the type of education they wish for their children, contribute to a better adaptability of the public system, and *complete* the public school network (but not limit or destroy it).

Fourth, following from the above statement, another important fact is that by law, denominational primary schools are not eligible for public financing in cases where the level of enrolment in these schools might jeopardise the existence of the only public school in the same locality. This leads to the conclusion that Slovenian education policy still manifests monopolistic characteristics, arising from the belief that quality and equal opportunities in education are best guaranteed by a comprehensive network of state schools.

Fifth, an additional factor stemming from the legislative arrangements is that unlike the programmes of pre-school institutions, elementary education, elementary music education and secondary general schools (gymnasiums), those of private vocational schools, technical schools and higher educational institutions cannot be publicly financed on the basis of the law itself but only on the basis of concessions, which in the case of the denominational educational institutions, because of the prohibition of confessional religious education, cannot be assigned.

Sixth, there is no doubt that in the wake of the political transformation in Slovenia new opportunities arose for the church to act as a service provider in education, but, in contrast to some other postsocialist countries such as Hungary, Poland and the Czech Republic, the church in Slovenia is legally prevented from influencing education policy.

Finally, as the Catholic Church is the founder of the educational institutions that are the focus of this article conclusions can also be drawn about general communication and contacts between the Slovenian government and the church on matters related to education. Slovenia is currently the only Central and Eastern European country that has no confessional religious subject in public schools (Cush, 1999, p. 383). With reform of the elementary school, including its lengthening from eight to nine years, an optional nonconfessional subject on religion and ethics has been introduced, but no exclusive competence has been assigned in this to the Catholic Church. The church is very dissatisfied with this solution and this is one of the most disputed issues in relations between the government and the church (see Krivic, 2001; Trampuš, 2002; Smrke, 1999, 2001). Hence we cannot avoid discussing this issue in the more general context of church-state relations in Slovenia.

### **Church–State Relations**

In order to understand why the relationships between the government and denominational educational institutions in Slovenia belong to the model of ‘separated dependence’ it is necessary to look at the wider context of church-state relations. Generally speaking there is no uniform European approach to regulating relations between state and the church. Apart from respecting fundamental human rights, relations differ above all because of the historical, cultural and political environment of each individual state.

My analysis of church-state relations in Slovenia is based on a brief overview of constitutional and legislative arrangements between church and state as well as on bilateral agreements with the Vatican.

With its new, democratic Constitution, Slovenia opted for a lay state ensuring the same possibilities to all religious communities. The relationship between state and church is defined by two constitutional principles: the separation of church and state, and freedom of religion (CRS, 1991, Art. 7).

Religious communities are legal entities under private law if they report their activities, pursuant to the 1976 Law on the Legal Status of Religious Communities (*Zakon o pravnem položaju verskih skupnosti*), to the Office of the Government of Republic of Slovenia for Religious Communities (*Urad vlade Republike Slovenije za verske skupnosti*). They have the same legal status as any other juridical person in a civil society.

The Constitution and the law regulate the legal position of the Roman Catholic Church as of all other religious communities. Institutions of the church that are concerned with educational, social or charitable activities must obtain the status of a legal person in the same way and under the same conditions as secular institutions for the same activity. Although founded by the church, they are subject to legislation that regulates educational or charitable activity. Only those church legal subjects that are involved in religious activity in the strictest sense are recognised as religious legal persons (Stres, 2000, p. 295).

In 1998 the government proposed to the National Assembly a new law on religious communities, the main novelty of which was the procedure of registering religious communities and defining them as NPOs. The church opposes this law for several reasons, 'principally because religious life and activity would be unnecessarily regulated by law and every regulation is also limitation' (Stres, 2000, p. 294).

It should be pointed out that until January 2004 Slovenia did not have any official international agreement with the Vatican to manage the affairs of the church and protect its position. Although an Agreement between the Holy See and the Republic of Slovenia on Legal Questions (*Sporazum med Svetim sedežem in Republiko Slovenijo o pravnih vprašanjih*) was signed already in December 2001, it took more than two years for it to be ratified by the Slovenian government (see Krivic, 2001, p. 20; Stres, 2000). The only ratified agreement between Slovenia and the Holy See before 2004 was the Agreement on the Establishment of Diplomatic Relations between the Republic of Slovenia and the Holy See (*Sporazum o vzpostavitvi diplomatskih odnosov med Republiko Slovenijo in Svetim sedežem*) (1992).

Nevertheless, the government signed some interior agreements on the position of the church. In 1999 the government and the Bishop's Conference of the Roman Catholic Church signed an Agreement on the Legal Position of the Roman Catholic Church in the Republic of Slovenia (*Soglasje o pravnem položaju Rimskokatoliške cerkve v Republik Sloveniji*). In the same year an Agreement on the Pastoral Care in the Slovenian Armed Forces (*Sporazum o duhovni oskrbi vojaških oseb v slovenski vojski*) was signed between the government and the church.

As regards the financing of the church no agreement with the Holy See exists and it is treated equally with all other religious communities. The state does not directly finance religious communities, but these may obtain funds that the state assigns to all owners of cultural monuments for their restoration. The state also provides religious communities with the employers' social security contribution for priests and monks, and funds for the assistance of religious communities.

Regarding the return of property, the Law on Denationalisation (*Zakon o denacionalizaciji*) was passed in 1991. According to this law the Slovenian state is not obliged to return real estate that is currently used for cultural, health and educational purposes 'in property', but the denationalisation law decrees compensation. This is also one of the disputed issues between the church and the government (see Stres, 2000), since the return 'in property' would make it easier for the church to reestablish its role in education as in other areas such as social services.

### **Composition of the Government**

Different policies and alliances between political parties and the church influence the formation of 'school curricula' outside and inside the public schools. I therefore now turn to consider political parties and their relations with the church in the context of parliamentary elections in the postsocialist period. I also examine the attitudes of the various political parties toward the church and its involvement in education.

Central European countries of the former eastern bloc differ in their political landscapes, but within the spectrum of political parties and political leaders there are two relevant political orientations regarding attitudes toward the church: right-wing parties, including Christian-oriented parties; and socialist (or postcommunist) parties. The former have adopted programmes with reference to Christian values and have emphasised the church as an institution; the latter have emphasised the secular character of the state and are opposed to political involvement on the part of the church (Borowik, 1999, p. 14). In the past decade the government in Slovenia can be characterised as the 'socialist (postcommunist)' type.

In the change of the political system in Slovenia in the context of its gaining of independence, the Communist Party of Slovenia quite skilfully acquired an important role (see Zajc, 2000). The initiators of political changes in Slovenia were mostly the same individuals who had been involved in the previous regime. The church did not play any striking role either in the independence movement or in political changes (Smrke, 1999, p. 326).

In order to understand the political situation in Slovenia it is first necessary to be aware of some distinctive features of the Slovenian political system as far as the division between right and left is concerned. The main distinction between them is defence of, or opposition to, the impact of the church in society; the political scene is thus divided into a Catholic and a socialist bloc (Pikalo, 2000, p. 203). In Slovenia the left means 'devotion to anticlericalism and opposition to the influence of the church in society' (Pikalo, 2000, p. 204). The most important factor in the political division between right and left is thus confession. I shall use the terms 'right' and 'left' in accordance with this definition.

The 'right' bloc of parties includes a number of 'Catholic' parties that declare their aim of promoting Christian values and that have the support of, or links with, the church. These are: the Slovenian Christian Democrats (*Slovenski krščanski demokrati* (SKD)); the Slovenian People's Party (*Slovenska ljudska stranka* (SLS)); and the later-formed New Slovenia (*Nova Slovenija* (NSi)). All three are rather close and claim to be successors of the Slovenian People's Party of the period before the Second World War. In the Catholic bloc there is another (mainly opposition) party, the Social Democratic Party (*Socialdemokratska stranka Slovenije* (SDS)). This party, despite its name, and although it declares itself to be a party of the laity, was never part of the 'left' bloc since it was always closely connected with the church (Pikalo, 2000, p. 205).

The 'left' bloc of parties include the ruling Liberal Democracy of Slovenia (*Liberalna demokracija Slovenije* (LDS)), heir to the communist youth organisation, and, further to the left, the social democratic and workers' oriented United List of Social Democrats (*Združena lista socialnih demokratov* (ZLSD)), which can be considered as the heir to the former Communist Party. Both parties are predominantly lay parties.

Pikalo (2000, p. 203) calls the Slovenian political scene the 'comeback (or just persistence) of the left'. He is referring to the role of the LDS, which has been the ruling party since 1992. Although its politics, in comparison with European standards, can hardly be said to be left-oriented, people consider it a 'leftist' party because of its opposition to the role of the church in society (Pikalo, 2000, p. 205).

The first multiparty elections were held in 1990 before the country's independence. Demos, which was the opposition party before the elections, won the majority of seats in parliament and the mandate to form the government. Demos was a coalition of six parties led by the president of the SKD Alojz Peterle, but the parties were too different in their programmes and disagreements were insuppressible (see Zajc, 2000). In 1992, in the first elections in independent Slovenia, there was a change of government after a vote of no confidence and the LDS came into power. In its first mandate, in order to obtain a majority in the parliament, the LDS formed a coalition with ideologically very different parties: the SKD, the ZLSD and the

SDS; but soon disagreements within the government intensified and in March 1994 the right-wing party SDS left the coalition. The ZLSD followed in January 1996, when differences of opinion in the coalition became insurmountable. The LDS and the SKD consequently formed a minority government. Relations between the two government parties worsened over the last six months of the mandate (see Kotar, 2000).

The next elections were held in 1996 and the LDS once again obtained the majority of votes. With a good deal of difficulty a very pragmatic coalition was formed with the SLS and the smaller Democratic Party of Slovenian Pensioners (*Demokratična stranka upokojencev Slovenije* (DeSUS)). In April 2000, because of several disagreements, the SLS left the government coalition and joined forces with the opposition SKD, leaving the prime minister Janez Drnovšek without a majority. After losing a confidence vote, Drnovšek resigned. The centre-right candidate Andrej Bajuk was elected prime minister in May 2000 for a temporary two-month government until the next elections. This was the first right-wing government, formed from the united parties the SLS-SKD and the SDS. Soon, however, the SLS and the SKD separated, and two of their leading members formed a new party, the NSi (see Zajc, 2001, pp. 31–32).

In the third parliamentary elections in 2000 the LDS once again won, receiving more votes than ever before. The right-wing parties were defeated, obtaining half as many votes as in previous elections, except the SDS, which came second. The SKD especially suffered a serious political decline. A new coalition was formed with once again politically very different parties: the LDS, the ZLSD, the SLS and the DeSUS. They had a large majority in the parliament; the SLS later left the coalition but some other smaller parties joined it.

This short and very simplified overview of the Slovenian political scene in the first decade after Slovenian independence shows that ever since 1992 the LDS has maintained the leading position in the composition of government. Although this party has formed coalitions with very different parties, including parties from the Catholic bloc, it has still exercised the most significant influence over Slovenian politics, given that it has always been the largest party in parliament and has possessed the mandate to form the government. Its policy is based on a strictly separationist reading of the Constitution regarding the separation of church and state, and there is no doubt that its policy belongs to the socialist bloc. Another important fact is that the minister of education has always been selected from its ranks, and the party has consequently exercised strong influence over education all these years. The educational policy of the LDS and its attitude toward the church are causing great dissatisfaction in the church in Slovenia. The most common accusations of the church toward the ruling government are summarised in the following quotation (Stres, 2000, p. 294):

What 'separation of church and state' is supposed to mean or not mean is not yet clear to many Slovenes. The former one-party state absorbed the whole of civic society and public life, and 'separation of church and state' under communism meant that the church was excluded from the whole public arena. 'Separation' was a front, a pretext, for the privatisation of faith and ghettoisation of the church. Slovene politicians and journalists still think very much along these lines, and it is difficult to get them to change their views. It is an understanding which is very closely linked with laicism – and in fact, if not officially, laicism is the ideology of the ruling Liberal Democrats: a laicism that is closer to the French laicism of the late nineteenth century, which may be defined as 'closed', inspired by positivist ideology and hostile to religion . . .

There are frequent accusations from church leaders in the public media that LDS church policy is hostile and uncooperative towards the church (see Krivic, 2001, p. 20; Trampuš,

2002, p. 32); and this church discontent with government policy sharpened when in 1996 a new law on education came into force. Church critics of government educational policy often use phrases like 'LDS schools' (Stres, 2000, p. 297).

### Development of Denominational Educational Institutions

After examining government educational policies for the development of denominational educational institutions and identifying major characteristics of church-state relations deriving from the political parties in power, it is interesting to look at how these relations and policies have influenced the development of denominational educational institutions.

The data presented refer to denominational educational institutions that have been officially registered at the Ministry of Education, Science and Sport.<sup>5</sup> They are registered provided that they satisfy the conditions required for the performing of a specific educational activity and have a legally valid educational programme, which is a prerequisite for state funding.

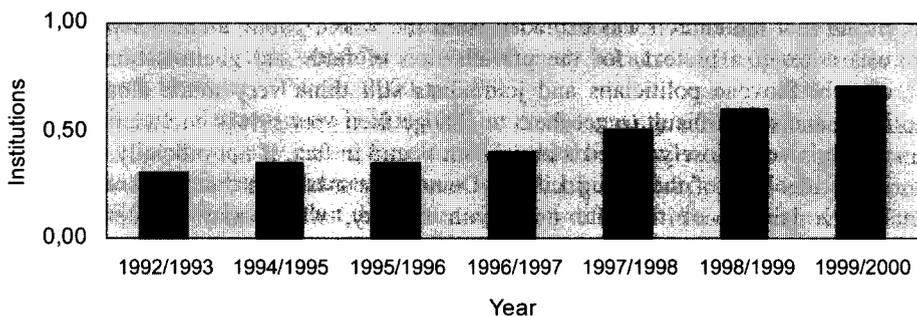
In Slovenia the denominational educational institutions constitute the majority in the private provision of education (DENR, 2001). All the officially recognised denominational educational institutions in Slovenia have been established by the Roman Catholic Church.

In order to obtain a clearer perspective of the development of denominational educational institutions in Slovenia, the data have been adjusted according to population size.

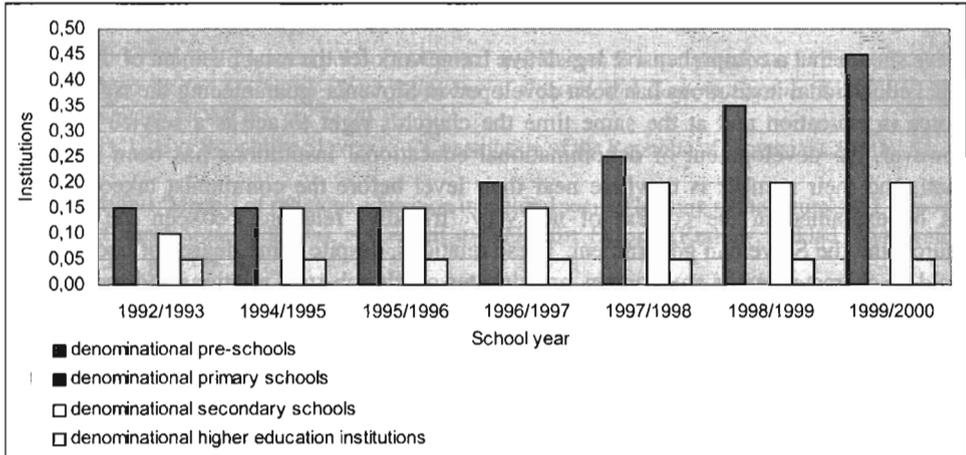
Figure 1 shows that indeed there has been a small development of denominational educational institutions in Slovenia. In the school year 1999/2000 there were only 0.7 denominational educational institutions per 100,000 inhabitants. The fastest growth in the number of institutions came at the beginning of the 1990s, as soon as the establishment of private educational institutions was permitted.<sup>6</sup> This affords no surprise since it was then that the constraints on the church in the field of education were lifted and the church regained its traditional role in the provision of education. However, the increase was most significant following the passing of new legislation in 1996, which regulated the status and financing of private education. This resulted in greater development of church service provision in the sphere of pre-school education (although not at other levels of education (see Figure 2).

Figure 2 shows that the development of denominational educational institutions was very different according to the level of education.

In the case of primary education there has been no development at all. The explanation for the lack of development at this level of education can be found in education legislation which states that private primary schools are not eligible for public financing where the existence of a private school may jeopardise the existence of a public school in the same locality. In this case denominational primary schools would be more viable in towns where there are more pupils; but it is very hard for the church to establish primary



**Figure 1.** Total number of denominational educational institutions per 100,000 inhabitants.



**Figure 2.** Number of denominational educational institutions per 100,000 inhabitants by educational level (note that there are no entries in the 'denominational primary schools' category).

schools in such areas since Slovenia has a very comprehensive network of public schools and the number of pupils is constantly decreasing.

A small development is also evident in the number of denominational secondary schools. Figure 2 shows that in the field of secondary education the number of denominational educational institutions stopped increasing in the period from 1993 to 1996; this was followed by a slight increase in 1997; and afterwards the figure remained stable. All the denominational secondary schools are general secondary schools (gymnasiums). One of the explanations for low development at this level of education can be found in Slovenian education legislation, which states that in contrast to denominational secondary general schools (gymnasiums), which although they can no longer be given concessions, can still be financed on the basis of the law itself, secondary vocational and technical schools are eligible for public financing only if they are granted a concession, which cannot be assigned to denominational schools. That could explain why there are no such denominational schools in Slovenia.

In the case of denominational higher education institutions only one institution, the Faculty of Theology, was established at the beginning of the 1990s; this is equivalent to 0.05 institutions per 100,000 inhabitants. Again, the explanation is that in Slovenia private higher education institutions, just as secondary vocational and technical schools, are eligible for public financing only when granted concessions, which cannot be assigned to denominational educational institutions. An exception was made only in the case of the one established denominational higher education institution in Slovenia: the Faculty of Theology, which is included in the University of Ljubljana.

From the figures presented above it is evident that the development of denominational educational institutions has not been very extensive in Slovenia. Comparing development at different levels of education shows that it has been the most extensive in the area of pre-school education, followed to a much lesser degree by secondary education; there has been almost no development at the level of higher education and absolutely no development in the case of primary education. Amongst postsocialist countries Slovenia and Lithuania have the smallest development of private education (Eurydice, 2002).

## Conclusion

I have shown that a comprehensive legislative framework for the establishment of denominational educational institutions has been developed in Slovenia, guaranteeing the right of free choice in education and at the same time the church's right to act as a service provider. However, the development of denominational educational institutions has been relatively small, and their number is nowhere near their level before the communist takeover. This can be explained in the context of not very 'friendly' relations between the Catholic Church and the Slovenian government. These relations, despite some degree of cooperation, could be characterised as antagonism, and debates on church-state relations and the dissatisfaction of the church with state policies are a heated issue of public discussion, especially in the field of education. So far, this has resulted in a not very favourable atmosphere for church involvement in education and consequently a very limited development of denominational educational institutions. The position of denominational educational institutions in the Slovenian education system is strictly limited to the supplementary role. These institutions play an important part in the fulfilment of the constitutional right of free choice in education, but it cannot be said that the Slovenian government is counting on them and considering them as a serious partner in the provision of education. The principle behind the government educational policy is still monopolistic, deriving from a belief that a comprehensive network of state schools best guarantees quality and equal opportunities in education, and this is not likely to change in the short term. Meanwhile the 'burden' that the church would like to take upon itself in the field of education is not highly appreciated by the Slovenian state.

In my paper I have tried to show that there is no such thing as extensive involvement of the church in education unless it is not only tolerated but also supported by government preferences manifested in church-state relations. This is what distinguishes Slovenia from some other postsocialist countries that have experienced a much more extensive development of denominational educational institutions as a result of more favourable government policies. I have tried to show why this is not yet the case in Slovenia.

## Notes

- <sup>1</sup> The author gratefully acknowledges the help of all who contributed with providing relevant information, and especially Professor Zinka Kolarič of the University of Ljubljana for her support and supervision.
- <sup>2</sup> A concession agreement is a contract between the state (at national or local level) and a private profit or nonprofit service provider in which the extent and type of services to be provided by the private actor and the cost to the state are agreed (Kolarič *et al.*, 2002, p. 144). In English terminology the term 'contracting out' is sometimes applied. In this article the term 'concession' is used since it is the official terminology in Slovenian education legislation. In the case of education, concession agreements are entered into with only private nonprofit providers, as publicly financed profit-oriented educational activity is prohibited.
- <sup>3</sup> I have not examined the frequency of communication and contacts between the denominational educational institutions and the government during my research for this paper; the subject is complex and no previous research has been done on this specific issue. Nevertheless, the claim can be supported by various sorts of evidence.
- <sup>4</sup> The survey was based on the methodology used in an international comparative research study by Salamon and Anheier, 'The Nonprofit Sector in Comparative Perspective – an Overview', that was carried out in 22 countries (Kolarič *et al.*, 2002, p. 114).
- <sup>5</sup> The data for denominational educational institutions were provided by the Slovenian Ministry of Education, Science and Sport.
- <sup>6</sup> It should be noted that the data refer to the dates when these institutions were officially registered by the government; some of them may have been established before, but were not recognised by the state.

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