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## CHURCH-STATE RELATIONS IN SLOVENIA IN THE NINETIES

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**Abstract.** *Church-state relations in Slovenia in the nineties are in an era of battle for cultural hegemony, which neither side has yet won. The main issues of dispute are religious instruction and the return of non-ecclesiastic church property, mainly vast compounds of forests. At the end of 1997 the battle continues, with neither side being destined for a full-fledged victory.*

In the Constitution adopted on 21 December, 1991 Slovenia declared the separation of church and state, with a classical unambiguous formulation. It also declared that all religious communities are equal in rights. But life is more complex than constitutional provisions can envisage. In particular, it is almost impossible to establish the "unsurmountable wall" the authors of the American Constitution had in mind when establishing this principle as a constitutional stipulation for the first time in history. As for Slovenia, it is fundamental that it has a Roman Catholic heritage (with a Protestant interlude in the XVI century). Historically, Roman Catholicism had a culturally hegemonic position, liberalist trends leaning towards e.g. lay schooling without religious education, having a long history, but never being dominant. The exception, of course, is the 55 year-long Communist rule in the XX century.

Of course, there are other religious groups in Slovenia as well, but their numbers are marginal, if one takes into consideration that in the Census in 1991 approximately three quarters of the population declared itself to be Catholic in the confessional (denominational) sense (not necessarily practicing religionists). If atheists and irreligious subjects are taken into consideration, it is easy to grasp that the other groups are small fractions. Therefore, it is small wonder that relations between the Catholic Church and the state have a privileged position. One should also mention, in this context, that at least two parliamentary parties have Roman Catholic leanings and ties.

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There is a number of open issues between the Slovenian state and the Roman Catholic Church which remain a bone of contention and where at present (November 1997) neither the lay nor the pro-ecclesiastic party has gained the upper hand.

Firstly, there is the issue of Church property (real estate). Slovenian legislation provides, in principle, for the return of nationalised and expropriated property to its own citizens and legal subjects. In principle, this goes for the Roman Catholic Church as well, where ecclesiastic property (church-connected buildings) has been mostly returned, or is in the process of its being physically or economically restituted. But vast areas of forests remain a matter of dispute. So far, by a series of temporary measures, the solution of this issue has just been postponed. Part of the problem is that some of the forests were not technically owned by the Roman Catholic Church before World War II, but were state-owned and reserved for Church revenue (a relic of Josephian reforms). To complicate the issue, on the eve of World War II, an edict was issued by the Minister of the Interior, the Slovenian People's Party politician Korošec, as to the physical return of the forests to the Church – but the edict was never implemented. The Church unconditionally requests the return of all the forests in a direct form (not in bonds or other equities). At the moment, as the government is formed by the lay Liberal Democrats and the ecclesiastically leaning People's Party, a compromise is difficult to envisage, though it will probably be one combining the physical return of some of the property and the return of the rest in income-bearing bonds. One could even mention that it is doubtful how much income forests themselves bear since as their exploitation is controlled. Nevertheless, there is no doubt that the Church is interested in the forests for economic purposes, being a "procondition" for its pastoral and other activities.

Secondly, the issue of religious instruction (and other educational forms) remains partially resolved. The legislation adopted by the Slovenian Parliament on elementary and secondary education in 1995 envisages optional subjects (not compulsory ones), dealing with religion. The name of the subject is "Religion and Culture". The legislative act foresees that subject be not of a confessional (denominational) nature, but does not specify whether the subject is to be taught from a theistic, religious point of view, an irreligious or a neutral one (if the last is possible). It also does not stipulate as to who the qualified teachers will be. That remains a subject which is being considered - before a final government decision - by a joint Church-State Committee, one of many which have been set up to resolve Church-State affairs, where the State has taken the Roman Catholic Church in Slovenia as its - practically in parity terms - partner, a deed leading to constitutional-law doubts as to its constitutionality, particularly in view of the fact that it does not have such bodies with other churches. In the meantime, the Church has opened studies of theology for lay persons (at faculties of theology), who might be teachers of this subject were they to be licensed. The uncertain future of this profession has led to little in these studies.

Therefore, the battlefield for cultural hegemony in Slovenia-centering on the issue of religious instruction (of morality), marks a temporary stalemate.

There have been issues which have been settled in Slovenia. Church property, with the exception of large estates of forests, has been restituted or is in the process of being so (where it is physically possible). The Catholic Church has opened two Academic Secondary Schools (Gymnasiums), which are mostly financed through public funds (a solution as to this issue has been reached on the basis of public licensing and funding of

private schools). The Roman Catholic Faculty of Theology in Ljubljana has been reinstated into the University of Ljubljana, retaining its autonomy as to doctrinal matters and its line of authority leading to the Vatican.

In its environment it was evident that Slovenia represents an exception: the role of the Roman Catholic Church is more hegemonic in the official cultures of all neighbouring countries. This has led the members of the Catholic Bishops' Conference of Slovenia to hold a meeting with its neighbours (bishops), where they stressed that Slovenia remains "an atheistic island", in comparison to neighbouring Austria, Italy, and particularly the transitional countries of Hungary and Croatia. At the meeting held in October 1997, Hungary was hailed as an example, with 200 fully publicly-funded Church administered schools, 800 real estate facilities returned and an alleged readiness to institute a 1% Church tax. Of course, religious instruction in the classical form of catechism is available in all elementary and secondary schools.

One other sensitive issue which should be mentioned is the appearance of ecclesiastic personalities at public events. Reactions to this phenomenon have been mixed. At the beginning of the nineties, especially during the Peterle government, it seemed as if ecclesiastic figures would start appearing and blessing public events. After certain protests were made, especially after the opening of a motorway was blessed, this practice seems to be fading away.

Pope John Paul II visited Slovenia in 1996. The visit was intended to be one of triumph over Communism and the triumph of Catholicism. As to the enthusiasm of the Slovenes over the Pope's visit, it could not be called a full success, as their visits to public events were not up to expectations, though visitors from neighbouring countries were present at two or three events. The Pope met with Serbian Orthodox and Evangelical dignitaries, though the visit was not an ecumenical event.

After that event a small - but symbolic - victory for the Catholic Church ensued. As is common practice in "Catholic" countries, the papal nuncio was named dean of the diplomatic corps in Ljubljana.

Under the new archbishop Franc Rode, the Church is facing a new offensive stance, requesting religious instruction, real estate and a more active cultural and overtly political role. The Slovenian Church longs for the position it had before World War II, invoking the situation in the Slovenian environment. So far the Catholic Church has not achieved its major cultural hegemonic goals. A Church tax, or the direction of certain taxes to the Church for its pastoral, humanitarian and other missions has also been requested, this being its greatest request, but it has not been made officially.

## **ODNOSI IZMEĐU CRKVE I DRŽAVE U SLOVENIJI U DEVEDESETIM GODINAMA**

**Sergej Flere**

*U devedesetim godinama, odnosi crkve i države u Sloveniji mogu se označiti kao područje bitke za kulturnu hegemoniju. Glavni predmeti spora odnose se na školstvo (posebno pitanje veronauke) i na povratak imovine, koja nije direktno vezana uz pastoralnu misiju crkve, a to su naročito veliki kompleksi šuma. Krajem 1997 se bitka nastavlja, bez izgleda na punu pobjedu ni laički ni crkveno orijentisane strane.*