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## The Saga of Academic Autonomy in Slovenia (1919–1999)

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∞ This article examines the concept of academic autonomy within the ‘Yugoslav model’ of higher education as a peripheral system characterised by an eclectic mix of elements from different systems, resulting in mutations with unique features during its development. The hitherto under-researched history of this higher education model has by no means been uniform or linear; because of this complexity, the focus here is limited to the case of Slovenia but considers the broader context. The focus is on the understanding, legislation, and (non-)implementation of academic autonomy as articulated between 1945 and 1991. The concept was inherited: it was never used in the legislation of federal socialist Yugoslavia yet was used in political and public debates. Our analysis relates these debates to the rapidly changing legislation and the broader socio-political context. Although the ‘Yugoslav model’ has vanished, its traces and ashes, including old contradictions and dilemmas, remain partly present in the higher education systems of independent states that emerged on the territory of the former federation. The principle that knowledge of the past is the key to understanding the present and approaching the future is confirmed in this case as well.

**Keywords:** academic autonomy, higher education reforms, history, Slovenia, the ‘Yugoslav model’ of higher education, university

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## Saga o akademski avtonomiji v Sloveniji (1919–1999)

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☞ Ta članek preučuje koncept akademske avtonomije znotraj 'jugoslovanskega modela' visokega šolstva kot perifernega sistema, za katerega je značilna eklektična mešanica elementov iz različnih sistemov, kar je med njegovim razvojem povzročalo mutacije z edinstvenimi značilnostmi. Do zdaj premalo raziskana zgodovina tega modela visokega šolstva nikakor ni bila enotna ali linearna; zaradi njene kompleksnosti je poudarek tukaj omejen na primer Slovenije, kljub temu pa upošteva širši kontekst. Poudarek je na razumevanju, zakonodajnem urejanju in na (ne)uresničevanju akademske avtonomije, kot je bila artikulirana med letoma 1945 in 1991. Koncept je podedovan iz preteklosti, nikoli ni bil uporabljen v zakonodaji federativne socialistične Jugoslavije, je pa bil uporabljen v političnih in javnih razpravah. Naša analiza povezuje te razprave s hitro spreminjajočo se visokošolsko-zakonodajo in širšim družbenopolitičnim kontekstom. Čeprav je 'jugoslovanski model' izginiti model visokega šolstva, so njegovi sledovi in pepel, vključno s stari protislovji in z dilemami, deloma še vedno prisotni v visokošolskih sistemih samostojnih držav, nastalih na ozemlju nekdanje federacije. Načelo, da je poznavanje preteklosti ključ do razumevanja sedanjosti in približevanja prihodnosti, se potrjuje tudi v tem primeru.

**Ključne besede:** akademska avtonomija, 'jugoslovanski model' visokega šolstva, reforme visokega šolstva, Slovenija, univerza, zgodovina

## Introduction

Case studies of higher education (HE) models are generally based on typologies and norms derived from dominant, *central* models. Such an approach ignores the peculiarities of *peripheral* systems, which are often characterised by eclecticism. However, an eclectic mixture of elements from different systems leads, in their evolution, to mutations with unique features. Many HE models belong to this category, including the Yugoslavian (YU model; 1945–1991). Despite its historical disappearance, its elements are preserved as mutations in the new national systems of the ex-YU region. This may not be apparent at first glance unless one knows their genealogy. This article focuses on just one aspect of the YU model: the understanding, legislating, and (non)implementation of the principle of academic autonomy as articulated in the second half of the 20<sup>th</sup> century. The history of HE within this very complex state formation was by no means uniform (Šoljan, 1991); due to this complexity, we limit ourselves here to the case of Slovenia but take the YU context into account.

The history of Yugoslav HE has already been somewhat reviewed (e.g., Bjeliš, 2022; Gabrič, 1994, 1998, 2006; Šoljan, 1991; Zgaga, 2021) but remains under-researched. Most of the material consists of reflective, memorial, or occasional records without research rigour. Extensive archives are still waiting for systematic processing. We have used various categories of this material,<sup>2</sup> not only with historiographical interest but in the perspective of studying the *genealogy of the idea of academic autonomy*. In the discursive traditions of this region, the distinction between academic freedom and institutional autonomy was not domesticated: the term ‘autonomy’ was often used as an indistinguishable amalgam of both dimensions – at first glance similar but, in fact, quite different from the Anglo-Saxon context (Henkel, 2007).

The understandings and legislating of autonomy went through extremely distinct phases (Table 1). The results of historiographical research thus far are helpful, but we set our task differently: to rethink conceptualisations of autonomy from the perspective of the *history of HE policy ideas*. HE studies offer good opportunities for a history of ideas or intellectual history. If *historiography* focuses on actions performed within a particular time and space, the *history of ideas* is different, since many ‘old’ ideas live on in changed contexts; some disappear but may reappear later in reinterpreted form, and similar. We argue that many dilemmas of a contemporary HE in the region cannot be understood without knowing its history.

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<sup>2</sup> Normal “quotation marks” are used to indicate a quotation, while typical discursive terms are marked with a single ‘quotation mark’.

Academic autonomy is understood here as the result of the regulation of the relationship (negotiated or dictated) between the government and the academic community in a historical context. When a political authority regulates the organisation of a higher education institution (HEI) through a legal act, the norm set affirmatively or negatively also reflects earlier and contemporary conceptualisations of autonomy. But *norming* does not prevent controversies and public debates about the *legitimacy*, not just the legality, of the norm. This, in short, is the perspective in which we approach the task at hand.

**Table 1***Slovenian Higher Education in Political Transitions 1919–1999*

<b>Republic of Slovenia</b>	Independence; new political system. 'On the road to Europe'. Renewal of (higher) education system; internationalisation & Europeanisation.	1999 Joining Erasmus & the Bologna Process
		1998 Judgment of the Constitutional Court on HE
		1994 Statutes of Universities
		1993 HE Act
		1990 Constitution RS
<b>SFR of Yugoslavia (SR of Slovenia)</b>	The mid-1960s: the period of 'liberalism'; relative strengthening of autonomy in HE. (Student) movements of 1968–1972; then sharp political reaction. Attempt at a new federal equilibrium resulted in the gradual disintegration of the SFRY. Crisis of the ('career-oriented') education system.	1989 Constitutional amendments SRS
		1989 Career-Oriented Ed. Act amended (SLO)
		1980 Career-Oriented Education Act (SLO)
		1975 HE Act (SLO)
		1974 Constitution (4) SFRY
		1969 HE Act (SLO)
		1965 HE Act (SLO)
		1963 Constitution (3) SFRY
		1961 Non-aligned movement
<b>FPR of Yugoslavia (PR of Slovenia)</b>	The 'New Yugoslavia' built on the USSR model, but then sharp conflict with the USSR (1948). 1953: socialist self-management. 1954ff: the 'social leadership' in HE; restriction of academic autonomy. HE reform; the establishment of the 'YU-model'.	1960 General Univ. Law (federal) 1960 HE Act (SLO)
		1957 University of Ljubljana Act (SLO)
		1954 General Univ. Law (federal)
		1953 Constitution (2) PFRY
		1949 Act on the Regulation of HE (SLO)
		1946–1948 new HEIs and institutes
		1946 Constitution (1) FPRY
<b>WW 2</b>	Slovenia occupied	UL operates to a minimum and above the political fray
<b>Kingdom of Yugoslavia</b>	The principle of autonomy in the 'ivory tower'. UL's existence threatened (financially, politically). Student activism.	1940-41: 2474 students, 90 professors
		1931 General regulations on universities
		1930 Law on Universities
		1919-20: 900 students, 18 professors
		1919 University of Ljubljana (UL) established
Late 19 <sup>th</sup> century: Efforts to establish a university (Habsburg Monarchy period)		

## The Slovenian university and the concept of academic autonomy before 1945

The first Slovenian university was founded in 1919. Decades of efforts within the Habsburg Monarchy could only be realised with the birth of the Kingdom of Yugoslavia (1918). The first professors at the *University of Ljubljana* (UL) came mostly from the central European universities and brought with them the academic culture typical of this region. Among its elements was the principle of academic autonomy, including the extraterritoriality of the university. In relation to the political authorities, the UL often faced threats to its existence during its first 25 years but survived both the Kingdom period and the occupation during WWII without significant interruptions.

The UL Act of 1919 stipulated that until special legislation was enacted, the university should be run according to the Law and Regulations of the University of Belgrade of 1905. New legislation was passed only in 1930–1931, but the position of the UL did not change significantly. Universities were defined as autonomous institutions, exercising their functions within the limits of the law through their governing bodies and under the supervision of the Minister of Education. Staff was civil servants, the professors were appointed by royal decree, and the rector was elected by the University Council, which consisted of the full professors. “University teaching is free, and no one can be held accountable for academic statements. [...] A special sign of university autonomy is usually the right of the university authorities to have the Rector himself keeping order on the university campus” (Strobl, 1957, pp. 360–361).

Archival documents provide insights into the understanding of academic autonomy between WWI and WWII. Kremenšek (1972, p. 193) reports that in a student incident (1935) the police initiated an investigation at UL, but the Senate unanimously resisted and “decided to instruct the police administration that only the university authorities are responsible for judging student disciplinary offences on university grounds”. Unlike the otherwise politically neutral professors, the students were organised into various ideological groups, but also advocated respect for autonomy, not only vis-à-vis “non-university factors” but also within the university, as the 1940 pamphlet attests:

The attainment and safeguarding of personal and intellectual freedom is a prerequisite for successful work in the service of our people. Therefore, our struggle on the university soil is a determined struggle for the *establishment of intact university autonomy and academic freedoms*. The university administration must be completely independent of any

non-university factors and cooperate with the students. (emphasis in original) (See Kremenšek, 1972, p. 562)

In April 1941, the Kingdom of Yugoslavia was defeated, occupied, and dismembered by the Axis powers. The territory of Slovenia was divided between the Third Reich, Italy, and Hungary. Ljubljana was occupied by Italian troops; the UL was closed but reopened after only three weeks. Gabrič (2001), notes that among the national institutions of the time, the UL's leadership was probably the first to make official contact with the new authorities, asking for "benevolent favour for our university" but "promising nothing but correctness" (p. 215). The authorities immediately attempted to influence the university. Godeša (1994) reports the decision of the occupiers "to abolish the autonomy of the university by establishing the 'Inspectorate for University Studies', where the inspector had the 'de facto' role of the Rector of the university" (p. 15).

In April 1941, a resistance movement (the Liberation Front; OF) was formed in Slovenia, involving various political groups. Godeša (1994) estimates that OF "did not voice a single direct public criticism of the university during the war" (p. 15). The UL did its best to continue teaching and stay above the political fray. However, students and intellectuals became massively involved in OF; in addition to partisan combat units, a strong cultural centre emerged in the mountainous southeast, unique among resistance movements in Europe (Pirjevec & Repe, 2008, pp. 44, 70–84), including hospitals, printing presses, and even a scientific institute.

After Italy's surrender in September 1943, the Nazis and their collaborators intensified the pressure on the UL, which remained in passive resistance. Gabrič (2015) reports a "letter of protest to the head of the provincial administration, Leon Rupnik, which was unanimously signed by all members of the University Senate present" (p. 352). To no effect. The collaborator Rupnik even issued an order suspending lectures. In June 1944, the UL came under the direct supervision of Nazi Commissioner Friedrich Reiner. On 9<sup>th</sup> May 1945, Ljubljana was liberated; from the balcony of the university building, the Partisans saluted the city.

This context is necessary to follow the post-war development in HE. The period was not monolithic; the idea that the 'new' Yugoslavia was merely a peripheral reflection of the Soviet political (as well as HE) system is highly problematic. Gabrič (2013, p. 44) argues that Slovenia is one of those parts of Europe that encountered all three European totalitarianisms of the 20<sup>th</sup> century, but after a conflict between Yugoslavia and the USSR (1948), development led in an independent direction. This should be considered in general history as well as in HE studies.

‘Academic autonomy’ was never used as a term in the legislation of the entire period of the FPRY/SFRY,<sup>3</sup> although it was used in debates. Nevertheless, we will start the analysis with the legislative documents and then connect them with the context. Between 1945 and 1991, many changes took place in the political system, which are reflected in HE. The analysis will be guided by the periods delimited by the frequent constitutional amendments and, consequently, by the corresponding legislation. More important than the constitutional definitions of rights and freedoms themselves are some other provisions that influenced the organisation of the HE system.

### Post-war period

The *Constitution of the FPRY* was adopted in January 1946 (Official Gazette FPRY, 1946) and modelled on the USSR Constitution of 1936. The FPRY is defined as “a federal people’s state of republican form, an association of equal nations which have expressed their will to live together in a federal state on the basis of the right to self-determination, including the right to secession”<sup>4</sup> (Art. 1). The principle of academic autonomy is not mentioned, but “freedom of scientific and artistic work is guaranteed. The State shall promote science and art for the development of culture and the welfare of the people” (Art. 37). The right of refuge for foreign citizens whose “freedom of scientific and cultural work” has been violated is guaranteed (Art. 32). In the field of education, the federation regulates the “general principles governing the legislation and conduct of the Republics” (Art. 44); otherwise, the six Republics (which form the Federation) are quite independent in this respect. Their constitutions are parallel to the federal one.

The post-WWII situation prioritised the regulation of political and economic issues. The regulation of education took place on an ad hoc basis. Between 1946 and 1949, various decrees on teaching in universities were passed, technical faculties were spun off from universities, new colleges, i.e., *high (visoke šole*; a 4-year programme) and *higher schools (višje šole*; a 2-year programme), and research institutes were established. There seems to have been no coherent HE policy in the drafting of these documents.

With the decree of the Minister of Education, the UL “began its work

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3 FPRY (FNRJ in Croat/Serbian, FLRJ in Slovene), Federal People’s Republic of Yugoslavia, 1945–1963; SFRY (SFRJ in all three languages), Socialist Federal Republic of Yugoslavia, 1963–1991.

4 The last part of the sentence was crucial in the decision to make Slovenia an independent state (1990–1991).

in full” on 23<sup>rd</sup> May 1945 (Official Gazette SNOS,<sup>5</sup> 1946). Later, the Slovenian government issued a „provisional decree on university authorities and teaching staff“ (Official Gazette SNOS, 15/09/1945), which remained in force until 1949. Thus, the “overall supervision of the activities of the university authorities” was taken over by the minister, while the traditional university bodies (University Council and Senate) remained unchanged. In this respect, things were more restrictive for the academic sphere in Serbia (cf. Grbić, 1998, pp. 118–119).

In Slovenia, some new HEIs were established, such as the Faculty of Economics (1946), the Faculty of Agriculture, the Pedagogical Higher School (1947), and institutes, such as the Institute of Physics (1946), Chemistry (1947) and Ethnic Studies (1948). There was a division of the academic space into ‘pedagogical’ and ‘scientific’ entities, which was atypical for the pre-WWII period. The transfer of the Soviet cultural model was more noticeable in the organisation of scientific work: research institutes, which were traditionally university units, were established at the Academy of Sciences and Arts (Gabrič, 1998, p. 140). With subsequent political changes, this practice was abandoned; the institutes became independent from the academies but did not join the universities.

In the absence of federal legislation, Slovenia adopted the Act on the Regulation of HE (Official Gazette PRS, 1949a; hereafter ZVIS-49). The structure of the UL narrowed: the Faculties of Medicine and Technology became self-standing ‘high schools’ (*visoke šole*), and the Faculty of Theology became an ‘independent faculty’. Academic autonomy did not occur in the text; apparently, in the new, ‘truly free social order’, this had become a politically incorrect, at least unnecessary, concept. The Government Regulation on the Bodies and Teaching Staff of HEIs (Official Gazette PRS, 1949b) states that the University Assembly consists of *all* staff. It elects the Rector and the Council (formerly the Senate). University bodies remained in the hands of the academic staff. However, the composition of the staff changed somewhat due to emigration at the end of the war and purges for suspicion of “collaboration with the occupiers” or “wrong understanding of Marxism” (Gabrič, 2006, p. 212).

Even in the debates of this period, the concept of academic autonomy appears very rarely. Gabrič (1994) discovered in the archives a significant document of a Communist Party (hereafter Party) commission (22/11/1945):

Formally, universities should enjoy autonomy, but the Party must gain strong influence over the Rector and the Senate. This can be done in the

5 SNOS, The Slovenian National Liberation Council, the legislative body of Slovene National Liberation Movement from 1944 to 1946. The 1947 Constitution established the name of the People’s Republic of Slovenia (LRS). In 1963 it was renamed the Socialist Republic of Slovenia (SRS) and in 1990 the Republic of Slovenia (RS).



way it was introduced in Serbia, where the Senate cannot do anything definitively without the knowledge and approval of the Minister of Education [...]. [T]he Party in Slovenia has not paid enough attention to this problem and there is a shy appearance of the Party in all issues of public life, including school and cultural issues. (p. 106)

Let us supplement this document from 1945 with a record from seven years later. The weekly *Tovariš* (Unsigned, 1952) reported that the Federal Student Congress found

a petty-bourgeois and anarchic understanding of freedom [...] which allows alien and hostile interpretations both in teaching and in the social and cultural life of the students [...] At the university we meet gentlemen who understand the autonomy of the university in a somewhat unusual way; they think that they do not have to give an account of their work to the community. (p. 189)

The sharp conflict between the USSR and Yugoslavia (1948), the need for reconstruction and modernisation of the destroyed country, the low level of education, the lack of human resources, and similar factors were accumulated problems that led to a radical turn of the political system in the early 1950s, promoted as the *socialist self-management* (Pirjevec, 2018). The turn was based on a critique of Stalinism: it is a conceptual shift from a 'state' to a 'society', from 'state socialism' to 'socialism with a human face'. The Party was renamed the League of Communists of Yugoslavia, with its branches in the six Republics. The official criticism of the USSR (even if it was not intended) encouraged new discussions and controversies about social development, including the development of HE.

### **Self-management and “social leadership” of the university**

This led to *Constitutional Law* (Official Gazette FPRY, 1953): *self-management* formed the political basis of the system and *social ownership of the means of production* the material basis. This was another step towards decentralisation and 'power of the working people', while in HE even the hitherto weak elements of academic autonomy disappeared.

The Constitutional Law distinguished self-management of “workers” in the economy and of the “working people and citizens” in the municipality and “in the fields of education, culture, and social services” (Art. 4). In the Slovenian Constitution (Official Gazette PRS, 1953), the provision on self-management

in the field of education, science, and similar was somewhat more detailed: in these areas “representatives of professional and other concerned social organizations” participate (Art. 6). This was called *social leadership*. From this point on, the “fundamental contradiction between the emphasised self-managerial (democratic) form and the government’s need to monopolistically control all instances and institutions of governance at the university” (Grbić, 1998, p. 119) cannot be overlooked throughout Yugoslavia.

In June 1954, the General University Law was passed (Official Gazette FPRY, 1954; hereafter SZU-54), valid for the entire federation. The university is defined as an “association of faculties” (Art. 1); both the university and the faculties are “independent institutions based on the principles of social leadership” (Art. 2) and “legal entities” (Art. 18). It is stated that “questions of teaching and scientific work fall within the exclusive competence of the pedagogical-scientific collectives” (Art. 2) and that “the freedom of pedagogical and scientific work in the university is guaranteed” (Art. 4). However, since the “social community provides material resources” (Art. 10), the University Council is composed of representatives of the academic staff *and* the “social community”. The provision allows the dominance of the representatives of the “social community” elected at the republican level by the respective assembly (i.e., parliament) (Art. 34). The University Council also decides on the election of academic staff to titles (Art. 35). SZU-54 assigned an administrative role to the rector and dean (Art. 39-40). The possibility for the Academies of Sciences to conduct doctoral studies was abolished (Art. 62): another departure from the Soviet model.

In Slovenia, the implementation of SZU-54 took three years, both because of resistance at the UL (Gabrič, 2006, pp. 229-230) and because of an unfinished political vision. Gabrič (2006) cites a document from the Party’s archives (14/05/1957), in which Boris Kraigher, the Slovenian Prime Minister, explains the basic political stance that the educational reform will be

a political action because we will somehow interfere with the autonomy of the university – and here people are very sensitive. But we must not allow these issues to be solved formally and democratically only at the university, because then we will not achieve the re-election [of staff] nor the reorganisation of faculties, nor the shortening of the period of study. (p. 222)

The act was passed in June 1957 with a shortened title: University of Ljubljana Act (Official Gazette PRS, 1957; hereafter ZUL-57). All the faculties and colleges of the time were reunited in the UL (except theology). The principle

of *social leadership* of HEIs was strengthened (Art. 3). Art. 6, which guarantees the “freedom of teaching and scientific work at the University”, at the same time stipulates that “teaching and examinations are public”. Management of the university and faculties does not differ from SZU-54, but it is specified that “the collective bodies of the university and faculties shall deliberate and decide as a whole” (Art. 10). Thus, academic staff can no longer decide on a matter independently of the representatives of the ‘social community’ who have a guaranteed majority on the Council.

In addition, ZUL-57 introduced provisions that intervene in the organisation of teaching and learning to increase their effectiveness. The legislative changes were accompanied by discussions that were exacerbated by data on the situation in HE. For example, for the then (1954) four-year (exceptionally five-year) courses, the statistical data show the average study time from 5.7 years at the Faculty of Philosophy to 9.0 years at the Faculty of Mechanical Engineering (Virant-Zajšek, 1955). It is not difficult to imagine how these figures were commented on by political and business leaders, as well as the public. This was a key point in the *modernisation* push against the *traditionalism* of academics.

These issues were discussed in the media. According to law professor Bavcon (1957):

[...] the problem lies in the [Central European] system of studies, which is based on lectures in which the audience is passive and in which a few individual brilliant [...] authors of thick books prevail. [...] This system corresponded to the so-called academic freedom as an expression of the liberal-individualist spirit of the time. Modern times have arguably stripped away almost all the principles of said system, raising the dilemma: Do we want narrowly specialized routiniers, or independent, thinking intellectuals who see problems and solve them undogmatically? (p. 600)

The “so-called academic freedom” should be read in context: it is about the freedom to choose what to study, including for how long to study. Bajt (1958), a professor of political economy, who was somewhat suspicious to the authorities, addressed this aspect:

According to some, faculties have no right to put pressure on students to study better and faster. This should be solely a matter of the student and the one who supports him. This is essentially the content of the principle of freedom of university education. (pp. 185–186)

Bajt summarises the critique of the old system in a utilitarian perspective of “general benefit to the whole population”:

Studies must be organized in such a way that they are as successful as possible. Studies will be most successful if the best possible experts (not just knowledgeable people) are produced in the shortest possible time. [...] Freedom of study means the irresponsible waste of resources due to the working people. (pp. 185–186)

Undoubtedly, the inherited HE system was outdated, but there was also no consensus on the direction of renewal. The discussions cannot be viewed only through a political lens. As in the rest of the world, Yugoslavia faced the first *problems of transition from elite to mass HE* (Trow, 1974). The HE massification (Zgaga, 2021, p. 216) required answers from both governments and universities. Without autonomy, the latter could not provide effective answers, but if universities insist on tradition in such challenging situations, conflict with the government’s decision to modernise is inevitable. In contrast, if the government ignores the importance of academic autonomy, the success of the HE reform becomes questionable.

The dilemma was mirrored on both sides. There was a very long road leading to a clear idea that the (modern) university is “an autonomous institution at the heart of societies” (Magna Charta, 1988) and that it is necessary not only to recognise in principle but also to mutually redefine academic autonomy in relation to “the heart of societies”. With the reform of the late 1950s and in a given political context, the problems of *massification* pushed universities towards becoming pedagogical institutions and moved research to self-standing institutes.

The intellectual-liberal position was a justified resistance to the authoritarian experimentation with HE, but existing academic traditionalism prevented the answer to a key challenge: to ensure wide access to HE, its ‘democratisation’. This was not only a question of relations with ‘external authorities’ but also (as revealed by the 1968 movements) of internal hierarchical academic relations. The reform, completed around 1960, somewhat expanded accessibility, but the democratisation of HE remained a problematic point. The university came “at the heart of society”, but not as an “autonomous institution”. The reform further strengthened the fundamental contradiction between the democratic, self-managerial form and the actual monopoly of the Party. There were high-profile scandals with a “distinctly intimidating character” (Gabrič, 2006, p. 236): the abolition of the critical journal *Perspektive*, the removal of ‘non-Marxist’ assistants, forced retirements, and similar.

The legislative changes were not over yet. SZU-54 was amended as General Law on Faculties and Universities (Official Gazette FPRY, 1960); hereafter SZFU-60). The faculties came to the fore as ‘self-standing’ institutions. The provision on the *social leadership* of HEIs remained in force. The establishment of a new HEI could now be proposed by “districts, municipalities, economic and other organizations” and confirmed by the Republic’s Assembly (Art. 8). The university is no longer the only form of “association of faculties”; especially new colleges (‘high’/‘higher’ schools) may also form “communities as independent social bodies” (Art. 12). Studies are divided into three stages: the first lasts two years (‘higher education’), the second a total of four years, integral or as 2+2 (‘high education’), the third lasts “at least one year” and leads to a master’s or specialist degree (Art. 13–16). Full-time students were required to undertake practical work (Art. 20) and expected to complete their studies faster than the standard period of study. Part-time study with adapted regulations was also encouraged (Art. 26). The provisions on the election of teaching staff to titles include pedagogical, scientific, and professional criteria; their ‘socio-political commitment’ is not explicit in the text but self-evident.

The transposition of SZFU-60 into the Slovenian Act (Official Gazette PRS, 1960; hereafter ZVIS-60) did not bring anything substantially new. Formally, the principle of ‘academic self-management’ (“freedom of teaching and scientific work”) was retained, but under the premise of the ‘social leadership’ of HEIs. In organisational terms, however, there was a change in the status of the university. The tendency in this direction was apparent earlier, but now it is given a clearer form (Art. 3):

The University and other associations of HEIs (hereafter: The Association) shall provide for the cohesion of teaching and scientific work and shall conduct matters of common importance to the HEIs in the Association. The Association shall have only the rights and duties determined by law.

This reform solidified the normative basis for the *fragmentation of the university* that characterised the entire territory and throughout the history of the FPRY/SFRY, in some cases up to the present. ZVIS-60 defines the term HEI as “faculties, high schools, art academies and higher schools” (Article 1); the university is no longer HEI, it is only an *association* of HEIs. With the provision that “individual tasks of HEIs may also be performed by independent scientific institutions”, HEIs are assigned primarily a *pedagogical* function.

Thus, after much experimentation, the *YU model* of HE emerged around 1960, but the period of much-needed stability had not yet begun. Frequent corrections to legislation continued, as did the debate over the development of HE. In Slovenia, this also escalated with the political decision on new colleges and the gradual emergence of the second Slovenian university, the University of Maribor (UM) (Gabrič, 2006, pp. 242ff). The ‘decentralisation’ of HE can be interpreted as an attempt to widen access to study, but also to further limit the autonomy of the (still only one) university (i.e., UL), which was reduced to an *association*. Here arose the archetype of the question of *who is autonomous - universities or faculties*, which characterises the whole ex-YU region to some extent until today (Zgaga, 2019).

### **The period of ‘liberalism’: reaffirmation of autonomy?**

The 1960s brought yet another new constitution (Official Gazette SFRY, 1963). Now, the country was named *Socialist* Federal Republic of Yugoslavia. The constitution focused mainly on regulating the relations of the federation. Another step was taken toward greater powers for the republics, including in education. The Federal Ministry of Education was abolished; the universities became fully accountable to republics. The amendment HE Act “in the SRS” (Official Gazette SRS, 1965; hereafter ZVIS-65) brought only minor changes to ZVIS-60. Besides the UL, the “Association of HEIs in Maribor” (Art. 72) is mentioned for the first time, an embryo of the UM (established 1975).

Soon after, a new amendment (Official Gazette SRS, 1969; hereafter ZVIS-69) defined the UL as a “compulsory association of faculties” (Art. 3), while art academies and colleges “may by law unite to form associations of HEIs” (Art. 4). HEIs were given a new attribute: “an activity of particular social importance” (Art. 8). Surprisingly, the provision on freedom of teaching and scientific work, which had been included in various forms in previous laws, disappeared from ZVIS-69 but appeared in the concurrent Research Activity Act (Official Gazette SRS, 1970). The previous rhetoric was replaced by actual *liberalisation*: ZVIS-69 returned some important decisions to the jurisdiction of academic organs. The Council of a HEI remains tripartite (‘social leadership’) (Art. 62); a radical change is the introduction of a *Pedagogical-Scientific Council* (*Pedagoško-znanstveni svet*) composed of all teachers and researchers, including student representatives (Art. 65): it decides on curricula, elects staff to titles, and similar. (Art. 68). This was a *legal re-affirmation of academic autonomy* without using the term, which was a side result of the *liberal period* in Slovenian politics of the late 1960s (Repe, 2005, pp. 61–65).

This was also reflected in the new foreign policy, with the FPRY/SFRY taking the lead in *Non-Aligned Movement* (established 1961; Repe, 2005, p. 66). A side effect was the arrival of students from “Third World” countries. The *YU-model of HE* was also promoted internationally in other ways, for example, through the international conference *University Today* (1956–1991; Bondžić, 2012). All this influenced national debates.

On the 50<sup>th</sup> anniversary of the UL, an intellectual discussion on “Basic Questions of the Slovenian University” took place (*Anketa*, 1969). In the light of national reform, issues such as the HE massification, the teaching vs scientific mission of the university, interdisciplinarity, and similar were raised. Attention was drawn to the “crisis of the old university” as a “crisis of concept”, to the “markedly one-sided” relationship “between society and the university”, and similar. The reference to the simultaneous “revolutionary demands of [Rudi] Dutschke, [Daniel Cohn-]Bendit and others for critical, free, etc. universities” in Germany and France was not missing.

The domestic student revolt was not long in coming either. It broke out unexpectedly, in June 1968, first at the University of Belgrade and then in Zagreb and Ljubljana. To summarise a long story into its essentials: the mass revolt attacked a visible gap between ‘self-managing socialist ideals’ and ‘reality’, but later split into radical currents and gradually disappeared after 1972 under pressure from the authorities. Besides students, critical professors also played a prominent role (e.g., the journal *Praxis*). The movement was primarily a political protest, and alongside it the ideas of a ‘free’, ‘alternative university’ crystallised.

At UL, the movement led to a major organisational surprise: the students left the official Union of Students of Slovenia and founded a new organisation, the Association of Students of Ljubljana HEIs (SŠLVZ). It remained affiliated with the Yugoslav Student Union but was organised on different bases. Its Statute of 1969 (in Zgaga, 1982) emphasised:

Freedom of diversity as the way to unity is the only democratic way. It affirms the sovereignty of the individual in thought and life. It recognizes personality, it acknowledges the reality of complementarity, competition and opposition. (p. 69)

The movement intensified and reached its peak in 1971, including protests against political repression at the University of Belgrade. When the police arrested a student because of a political leaflet, the movement reacted indignantly “On May 8<sup>th</sup> [1971], for the first time since the war, the police violated the

extraterritoriality of the University” (p. 156). “We demand the autonomy and inviolability of the university; we demand what has been established in democratic countries since the Middle Ages” (p. 149).

This was followed by a week-long student occupation of the Faculty of Arts, whose *Manifesto* emphasised as follows (Zgaga, 1982) :

One of our fundamental demands is the extraterritoriality and autonomy of the university, which fundamentally allows for the freedom of scholarship. [...] Our action is also a demand for a greater role for the intelligentsia in the affairs of society and an end to suspicion and distrust of the intelligentsia. [...] Society is only free when it dares to look its truth in the face. (pp. 201–203)

The students were also supported by the staff:

“The Pedagogical-Scientific Council of the University notes that employees of Public Security Administration [Police] have recently intervened several times on university premises [and] believes that there are no reasons to change the previous practice, according to which such extraordinary interventions are only possible after prior consultation with the Rector. (p. 157)

### **The end of ‘liberalism’ and the introduction of ‘career-oriented education’**

These were the straws that broke the camel’s back; political action began with repression and a change of political course. This occurred not without consequences for HE, as we learn from a document from the Central Committee of the Slovenian Party<sup>6</sup> (CK ZKS, 1973):

Too many decisive tasks have been entrusted to the Pedagogical-Scientific Councils, so that the work of the councils of HEIs has become extinct. Because of all this, it is necessary to prepare as soon as possible a proposal to amend the law to eliminate all these negative consequences. [...] Communists are committed to the freedom of science and to the cultural and responsible discussion of controversial questions. But this does not mean that we should remain indifferent to conservative and reactionary ideas, even if they disguise themselves in scientific form. [...]

6 Slovenian abbreviation: CK ZKS.



Pedagogical-Scientific Councils should decide on scientific titles [i.e., PhD] and give opinions on the suitability of candidates for teaching staff titles. Decisions on the awarding of titles [...], on recruitment and on the fulfilment of the pedagogical and social criteria of teaching staff should be taken by the Councils of HEIs. (pp. 14–15, 25)

The period of *liberalism* was marked by both economic prosperity and growing social inequalities, as well as political friction between the ‘developed North’ and the ‘undeveloped South’. Frictions in politics, not unknown before, were this time joined by spontaneous civil society movements on the spectrum from (left-wing) student to (right-wing) nationalist groups. The political action was followed by a new constitution (Official Gazette SFRY, 1974), the last before the collapse. The changes were intended to reduce tensions and consolidate the country, but the monopoly of central power had already begun to disintegrate into increasingly distrustful republican strongholds.

The concept of socialist self-management was redefined; among the most important categories was the *free exchange of work* (regulated by the United Work Act; Official Gazette SFRY, 1976), which defined the relationship between the economic and social spheres. “The workers of associated work organizations [‘OZD’] engaged in education, science, [etc.] derive their income from the free exchange of their work with the work of the working people whose needs and interests are met in these fields” (Art. 16). Workers in these fields and workers in ‘OZD’ “shall form self-managerial communities of interest in which they shall exercise the free exchange of work [...] and shall decide equally and jointly on the conduct of these activities in accordance with their common interests” (Art. 52). This reaffirmed the principle of *social leadership*.

The renewed Slovenian HE Act (Official Gazette SRS, 1975; hereafter ZVIS-75) thus defines HE as “part of the united work” (Art.1). The basic organisation form become the “basic organisation of united work in HE” (Art. 5), for example, departments within faculties which “compulsorily merge into universities” (Art. 9). The two “self-managerial interest communities”, education and research, ensure the “free exchange of work”, “the adoption and coordination of educational and research programmes” and “their implementation and rational division of work” (Art. 28). The university fragmentation escalated.

The relative autonomous power of universities from ZVIS-69 were taken away again by ZVIS-75. HE activity is of “special societal importance”: it is “realised through the co-decision of the founders” (Art. 4), meaning the ‘united work’, political organisations and communities. Decision-making was concentrated in the tripartite Council of HEI (“delegates of workers, students

and users”; Art. 86). Pedagogical-Scientific Councils were preserved as toothless tigers dealing only “with questions in the field of educational and research work and submitting opinions and proposals to the Council” (Art. 95). Now, the Council not only elects the Habilitation Commission (HC; a university committee that gives consents to the election of staff to titles), but its members are nominated by a national political body (SZDL; Art. 30). The traditional criteria for awarding the title (i.e., scientific and pedagogical qualifications) are now supplemented by the so-called ‘third basket’: “commitment to and social activity for the development of socialist self-management” (Art. 69).

An even more radical change came soon: the special HE Act was abolished and replaced by the *Career-Oriented Education [COE] Act* (Official Gazette SRS, 1980; hereafter ZUI-80): COE “is part of a unified educational system in the SRS and includes all education after primary school” (Art. 1).

The reform of COE was being prepared in the mid-1970s, after a show-down with ‘liberalism’, and determined by the Party’s congresses. It aimed to improve the still poor educational structure of the population, but the politically motivated ‘preventive measures’ against radical students and critical intellectuals cannot be overlooked. In most republics, the reform was rushed through, which was not the case in Slovenia; here, the public criticised its means and goals. In a decentralised federation, where responsibility for education lay with the republics and the ‘federal cement’ was provided by the Party, the Slovenian law was passed with a noticeable delay, while arousing sharp opposition in civil society (Zgaga, 2021, pp. 217–220).

The provisions governing the organisation of HEIs did not change significantly from ZVIS-75, only the provision on the HC were tightened: half of its members were elected by the University Council from among academic staff and students, and the other half from among “political and public workers”. In case of disagreement, the arbitrator was to be the National Assembly (Art. 187).

### **Criticism of COE and the ‘reform of reform’**

There were many reasons for criticism of ZUI-80. The basic idea – the ‘linkage of school and factory’ – together with the argument of ‘applicability’ and ‘efficiency’ (socialist utilitarianism was unusually close to contemporary neoliberalism), led to rigid educational ‘verticals’ and neglected the importance of general education. These were not the only aspects perceived as political coercion. Restrictiveness became an increasingly broad and concrete concept in the 1980s: the economic crisis restricted both the goods of life and the budget for education. There were fewer places for new students, pressure on the limited

places increased due to deteriorating employment opportunities and growing educational ambitions in society, and similar. When the first 'oriented generation' enrolled at HEIs (1985/86) none of the participants were satisfied with the renovated 'oriented' programmes. The reform failed (Zgaga, 2021).

In 1986, there were far-reaching *personnel changes* on the political horizon: in Slovenia, the previous 'hardliners' were replaced by the 'liberal' Milan Kučan (Repe, 2005, p. 65); at the same time, Slobodan Milošević became leader in Serbia. Views on the further political development of the federation diverged completely, and conflicts began to deepen. In Slovenia, the changes were accompanied by the appearance of the so-called 'new social movements'. The criticism of COE gradually created a space for discussion about what kind of educational system Slovenia needed in the future, and under the new wave of 'liberalism', the ministry prepared a "Report on the Transformation of Education" (Reporter, 1986).

Discussions of HE were also intensified by the research project "Long-term development of HE in SRS" (Zgaga, 2021). The culmination of the project was the national conference (DRVŠ, 1988) that addressed, *inter alia*, issues of the reconceptualisation of academic autonomy. Both academic staff and prominent political representatives were present. Boris Frlec, Deputy Prime Minister (and professor at UL), openly criticised the basic concept of ZUI-80, saying that the university "is not a company" (*ibid.*, p. 34). The question of the relationship between the state and the university came to the fore: "The university outside the political relationship is [...] a mere illusion and with it the notion of HE autonomy removed from the social environment" (p. 38). Andrej Marinc (SRS Praesidium) promised to "promote the creative freedom of individuals and groups and thus the responsibility for their own and common development" (pp. 45–46).

Professor Fabinc, former Rector of UL, summarised the results of the conference. The renewal of HE "is taking place in the historical period of transition of our society from extensive to intensive management". What model to choose? "There is no universal model of universities. A true university is the result of a long creative process of its social environment." This raises questions of organisation: "The only possible basis for self-organisation and for regulating the position of the university in society" must not be based on "closure and revival of surviving monopoly tendencies". The path of transition must consider, first, the "strengthening of the faculties' professional responsibility for their integrated educational and research programmes" and, second, the decision-making of "new central university bodies that take over part of the professional responsibilities previously borne by non-university [i.e., political] institutions" (pp. 47–54).

The overall debate on the future of national education led to a radical change in ZUI-80. In an atmosphere in which the disintegration of the federation and the transition to a pluralistic political system were already palpable, many articles were deleted, some were amended, and others were retained until fundamental decisions are made on the new political system. With the amended ZUI-89 (Official Gazette SRS, 1989a), the powers begin to pass back to the universities. The Scientific-Pedagogical Council was rehabilitated as a “professional body” (Art. 79), which also decided with the representatives of the students (but no longer of the ‘social community’), for example, on the degree programmes, titles of academic staff, and similar issues. The ‘third basket’ was deleted and the composition of the HC was left to the university. The university remains an “association” but strengthens its power: its Scientific-Pedagogical Council decides on interdisciplinary programmes, gives a binding opinion on the degree programmes of the faculties, proposes the national HE framework, participates in the planning of the national development (Art. 62), and similar activities.

Such great power had not been concentrated in academic bodies since 1954.

The great changes in HE reflected even greater changes in the political system. Slovenia responded to federal pressures by amending its constitution in an entirely different direction, including the “right to free political association” (Reporter 1989, Am. 9.17). The amendments heralded the end of the socialist self-managerial system, in which the leading role was given to the Party. Education was now no longer “based especially on Marxism as the foundation of scientific socialism” (Constitution, fundamental principles, V; Official Gazette SFRY, 1974), but “on the achievements of modern science, humanism and patriotism, respect for human rights and freedoms, and equality of nations and nationalities” (Reporter, 1989, Am. 9.19). Mention is also made of the forthcoming “solutions in the new act on the university, which will be considered before the end of the year [1989]”, but it was postponed.

Soon constitutional amendments were promulgated (Official Gazette SRS, 1989b), while growing conflicts led to the disintegration of the federation. In December 1990, the republics of Slovenia (RS) and Croatia (RH) each adopted their own *new constitutions* (Official Gazette RS, 1990; Official Gazette RH, 1990) based on the principles of human rights and political pluralism. Both contain almost identical definitions regarding *academic autonomy*: the autonomy of “universities” (Croatia, Art. 67) or “state universities and state high schools [*visoke škole*]” (Slovenia, Art. 58) is guaranteed, and a special law is also provided. Both documents guarantee the “freedom of scientific and artistic

creation” (Croatia, Art. 68, Slovenia, Art. 59). Similar provisions were later adopted by other newly independent states (Bjeliš, 2022).

In June 1991, an armed conflict arose between the Federal Army and the Slovenian Territorial Defence, which ended quickly and somewhat happily. Slovenia became independent, while the other parts of the former SFRY were at war for a decade. In such a situation, the normative regulation of HE certainly could not be the legislative priority; the previous provisions remained mostly in force. In Slovenia, the new legislation was adopted early, in December 1993 (Official Gazette RS, 1993; hereafter ZVIS-93) (Zgaga, 2021). For the first time in history, ZVIS-93 defined in detail the autonomy of HEIs (Art. 6), which ensures, among other things, freedom of research, artistic creation and dissemination of knowledge, independent regulation of internal organisation and operation in accordance with the law, decisions on academic staff titles and selection of staff, preparation and adoption of study and research programmes, etc.

### **Conclusion: The saga continues**

However, this was by no means a happy end to the saga of academic autonomy. ZVIS-93 brought about a fundamental normative shift, but also sparked controversy on several issues, most notably the relationship between the university and its ‘members’ (faculties). ZVIS-93 introduced the concept of the *integrated university*: “The University is a legal entity” and “members of the University” are established only “within the University” (Art. 10). There is no space for a detailed analysis here (see Zgaga, 2007, pp. 77–81), but it is worth pointing out the dispute that was fought in the Constitutional Court. Put simply, it was about the old dilemma: *who is autonomous – the university or the faculty?* The court ruled that ZVIS-93 “is incompatible with the Constitution because it states that the members of the University are also autonomous” (Official Gazette RS, 1998a) and invalidated part of the UL statute (Official Gazette RS, 1998b) because it gave some ‘members’ too much power in the Senate. An amended law (Official Gazette RS, 1999; hereafter ZVIS-99) was passed; the university statutes were also amended. The debate about the relationship between the ‘university’ and its ‘members’ calmed down, although it still flared up occasionally.

The legal definition of academic autonomy has not changed significantly since then. After twenty-eight years, a new eruption occurred recently: the Constitutional Court ruled that ZVIS-93 and ZVIS-99, Art. 10 are incompatible with the Constitution (Official Gazette RS, 2021). We can expect new sequels to the old saga. Moreover, the knowledge of history will also be important.

This saga has two dimensions: one is the relationship between *academic institutions and political power*, the other is the *relationship within academic institutions*. In the space and time we have been talking about, academic institutions have encountered governments in various (often very unfriendly) ways, but have attempted to negotiate their mutual relationships. The issue is not only the *legality* but also the *legitimacy* of a particular regulation. Regulations are strongly influenced by ideational discussions about academic spaces “at the heart of societies”: they lead to prevailing views about what a university is, what its mission should be, and similar. Therefore, a critical reflection on the prevailing academic culture in the general historical context could make an significant contribution to the outcomes of negotiations between the academic and the political worlds.

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