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1 Introduction

Preschools or kindergartens, as they were originally called, are a form of public childcare with an explicitly pedagogical goal. Children in preschools must learn something, although this ‘something’ has varied over the course of modern history, ranging from civic virtues, basic social and intellectual skills to developing creativity. Simultaneously other goals (such as enabling parents to work) may simultaneously be pursued by preschools, but there must be a central pedagogical goal in order to call public childcare institutions ‘preschools’. Generally speaking, most of Europe’s preschools are designed for children between the ages of 3–4 until the age of primary school entry.

Terminology raises a number of difficulties, since the terms for different institutions of early childhood education have travelled transnationally and have been subject to translation and change. Kindergarten, or translations such as jardin d’enfants in France or Francophone Canada, or barnehage in Norway covers a wide range of institutional and other differences that make the terms themselves imprecise as descriptors (Willekens et al. 2015b: 24 f.). Also the term ‘preschool’ involves a range of differences across countries. France’s écoles maternelles, kleuterscholen in the Netherlands, and Italy’s scuola dell’infanzia, formerly scuola materna are institutions for children aged two-and-a-half or three to compulsory school age, and they are school-oriented but pre-compulsory institutions, different from the non-school-oriented German Kindergarten, but still not as school-oriented as the English reception class, the US kindergarten (Nawrotzki 2015) or the Luxembourgian éducation préscolaire (Honig et al. 2015). This has to be kept in mind when using the terms kindergarten and preschool, or the term in a particular language.

Over the last two centuries preschools have developed in most countries in Europe. Currently, the great majority of children aged 3–6 attend preschool, and in Belgium, France, Italy, Spain practically all children in this cohort attend some form of preschool (Unicef IRC 2008, 3–5). Despite this there are still striking differences between countries in terms of enrolment figures and financing; in some countries preschools are free, in others parents pay a fee. The differences are even more striking if we look at how preschools have developed over time. When Belgium, for example, had already developed a full-time and publicly-financed system of preschools covering most of the population at a time, preschools were still a marginal phenomenon in most other countries, especially the Nordic countries, where preschool development only took off in the 1960s and 1970s. Until the 1960s these differences in development were only weakly correlated with general economic development, welfare state and social services, state strength, differences in mothers’ employment and motherhood ideologies. This is something of a sociological mystery and this paper describes and analyses the differences.

This undertaking is not merely historical. Differences in the genealogy of preschools have had an impact on their current organisation and functioning and on the structure of public care for children below school age in general, including children who are too young to attend preschool and who are mainly in public childcare to enable their parents to reconcile family life with paid work. The countries studied here are Austria, Belgium, Denmark, England, France, Germany, Italy, Spain and Sweden.

There is already an extensive comparative literature on the public care for children below school age but we have decided to add to this literature for two reasons. First, most of it does not distinguish sufficiently

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1 This text is a sort of a ‘by-product’ of our former research and two conferences that have led to the publication of two edited volumes (Scheiwe and Willekens 2009; Willekens, Scheiwe and Nawrotzki 2015a). Due to other research interests and obligations at present, we cannot get deeper into the subject and decided to publish some findings as a short open access text. We are grateful for financial support by the Kompetenzzentrum Frühe Kindheit Niedersachsen (Centre for Excellence for Early Childhood Lower Saxony) for this publication. We wish to thank Clare Tame for her valuable support with language editing.

2 We define ‘public childcare’ as all forms of childcare (i) not performed by a child’s parents or close relatives, (ii) at least partially financed by the state, and (iii) organised by the state or under some form of state supervision. In this research all three conditions must be met in order to speak of public childcare, to avoid including phenomena such as parental leave (where childcare is performed by parents, but financed or subsidised by the state) or pure market solutions (where childcare is performed by others, but the state does not pay) in the concept of public childcare.

3 See, for example: Bahle 1995, 2003, 2007; Cleghorn/Prochner 2010; De Henau, Meulders and O’Dorchai 2007; Ger-
between preschools and other forms of public childcare—especially those which have developed over the last 3–4 decades to enable mothers to participate in paid work. The social structures, policies and coincidental historical events underlying the differential development of preschools are, however, strikingly different from the causes of the development of other forms of public childcare, and we must be careful not to conflate the two. Secondly, although much of the literature is comparative, the time span of comparison is relatively short (a few decades) or very short (a few years), with a few notable exceptions (Bahle 1995; Caroli 2017; Hagemann 2011; Morgan 2006; Prochner and Nawrotzki 2019; Scheiwe and Willekens 2009; Willekens and Scheiwe 2015), and rarely extends back before 1970. Research focussing on recent developments and on public childcare as an undifferentiated phenomenon has led to a rather narrow view of developments and omissions at the levels of description and explanation. For instance, this approach tends to identify the Nordic countries as pioneers of public childcare (although their vanguard role was limited to specific forms of public childcare developed since the 1960s) and to disregard the authentically pioneering role of Belgium. The limitations of these approaches become clear when looking at the data for 1960, for example and then the data for the mid-20th century (see table below).

### Table 1: Percentage of children aged 3–5 in kindergarten and preschool around 1900

<table>
<thead>
<tr>
<th>Country</th>
<th>1900</th>
<th>1910</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>46–49</td>
<td>60</td>
</tr>
<tr>
<td>France</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>Netherlands</td>
<td>ca 25</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>Germany</td>
<td></td>
<td>13</td>
</tr>
</tbody>
</table>

### Table 2: Percentage of children aged 3–5 in kindergarten and preschool 1950/1960

<table>
<thead>
<tr>
<th>Country</th>
<th>1948</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>86</td>
<td>90</td>
</tr>
<tr>
<td>France</td>
<td>56</td>
<td>67</td>
</tr>
<tr>
<td>Netherlands</td>
<td>59</td>
<td>88</td>
</tr>
<tr>
<td>Italy</td>
<td>37</td>
<td>46</td>
</tr>
<tr>
<td>Spain</td>
<td>25</td>
<td>57</td>
</tr>
<tr>
<td>Germany</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Sweden</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>


4 The aggregate figures conceal marked regional differences within Germany: Alsace and Baden had over 30%, Württemberg 23% and Prussia 11% (Erning 1987b: 30).

5 Figures for the Netherlands are not comparable with those of the other countries. In the periods cited children in the Netherlands only started to attend kindergarten at the age of 4 and the figures thus only relate to the cohort of children aged 4–6.

6 Fix (2001: 74) documents for 1960/61, 19%.
The dominant focus on the period since 1960 has led to some debatable claims, such as:

- Provision of public childcare is mainly a function of goal-oriented social policymaking
- Availability of public childcare is dependent on the nature of welfare states which are dominated by social democratic ideas and more likely to provide public childcare (Gustafsson 1994)
- Public childcare has developed as a function of women's emancipation and especially the rise in female labour-market participation
- The influence of the Catholic church's religious conservatism and Christian democrat political parties has impeded the development of public childcare.

Although these claims (with the partial exception of the impact of Catholicism) support the explanation of public childcare development for children under the age of 3 since the 1970s, they do not explain the development of preschools for the period before 1970 or to a large extent for the later era. We argue that differences in national preschool developments are primarily related to the way state-church conflicts played out in the late 19th century and have (in some cases) developed since, and, counterintuitively, that the Catholic church has in fact been a positive force in the development of preschools.

As a historical and comparative project we first describe and compare preschool developments since the 19th century in Austria, Belgium, Denmark, England, France, Germany, Italy, Spain and Sweden. Then we compare differences and commonalities before looking at some explanations for the, at times, remarkable developmental differences between countries. We then focus on the process of regulation of early childhood education (ECE) and on the role of law in institutionalising it along different paths.
A comparative description of preschool development in nine European countries: Austria, Belgium, Denmark, England, France, Germany, Italy, Spain and Sweden

For practical considerations of time and availability of sources this is not an exhaustive history of preschools in Europe. We focus on a relatively small number of countries and supplement this information with more generic or fragmentary data on developments in other countries where necessary.

The country selection covers issues principle and of convenience. We have tried to focus on interesting cases, namely, the pioneers of in preschool development and cases which call for explanation. It becomes clear that Belgium and, to a lesser extent, France were leaders in preschool development. The Nordic countries, especially Sweden and Denmark, are often mistakenly perceived as pioneers in the field of public childcare in early times whereas in fact they have only been front-runners in their post-1965 policies to facilitate the combination of paid work and family life. We included them in our sample and where appropriate we refer to Norwegian and Finnish developments. Germany and England are included because both have lagged behind in the development of preschools for so long and so obviously. As a pioneer of the Industrial Revolution we might expect England to be correlated with a growing demand for public childcare. Germany, apart from being one of the most industrialised and richest countries in the world in the last quarter of the 19th century, was a welfare-state pioneer, with compulsory schooling and pedagogical theories underlying the preschool system. So why were these two countries so slow in developing preschools?

Illustration 2: Kindergarten around 1900 (postcard, Dresden)

We added the Netherlands and Italy since we are Dutch and Italian speakers which allows us to consult the original sources (as with all the other countries, excluding the Nordic countries). The information presented in the international literature has normally been selected from the perspective of the specific research questions underlying this literature. To explore new questions we must examine the primary sources. In the Netherlands and Italy, for example, these have been extremely helpful in testing our supposition that the development of preschools is heavily conditioned by the way in which the church-state conflict played out in different countries during the 19th and early 20th centuries. After having obtained the results for
these two countries, we decided to add Spain and Austria, to confirm and refine our hypotheses about the church-state conflict and the development of kindergarten systems.

One result of this sampling has been the exclusion of Eastern Europe. There are practical reasons for this: our lack of knowledge of the languages and the shortage of information accessible even to scholars with the appropriate linguistic skills. Moreover, we suspect that there is little material which would be relevant to our research question. With the exception of the Czech Republic (formerly part of the Habsburg Empire, then of Czechoslovakia) the countries of Eastern Europe were considerably poorer than those of Western Europe during the period of analysis, making the question of their role in the development of preschools something of a non-starter. Setting up a state-funded system of preschools requires resources, and those without the money simply did not organise such a system. What interests us is why some of those who could afford it developed a widespread system of preschools, whereas others with comparable resources did not.

Our focus on Western Europe however leaves one set of interesting developments aside. Public care for children under school age was highly developed in the former communist countries of Eastern Europe. Two policy goals concurred: public childcare freed adults for productive work and strengthened the ideological influence of the state over children. There were nevertheless marked differences between communist states in the ways these goals were pursued and in the extent to which state education was substituted for socialisation within the family. In Hungary and Poland, for example, mothers had much more room for private childcare than in the German Democratic Republic. Exploring these differences and their causes would have been a meaningful part of this research project, but one which we have decided to postpone in order to keep it manageable.
3 Three waves of development since the late 18th century

With some simplification we can distinguish three waves in the development of public childcare and preschools in Western Europe. The Industrial Revolution witnessed an explosion of philanthropic and charitable initiatives to counter the negative effects of industrialisation and urbanisation on children. Industrialisation meant the separation of home and workplace, making it impossible for working mothers to combine productive work and childcare as they had done as in rural environments for centuries. For some migrants moving from the countryside to the cities meant losing the support of rural kin and neighbourhood networks without being integrated in new urban networks of mutual support. The result was that more young children than before were either left entirely to their own devices or dependent on caregivers who were unsuitable or deemed unsuitable. The response to these partly new problems was the emergence of new collective forms of childcare. Although the main thrust of these new initiatives was to keep children ‘out of harm’s way’, many pursued pedagogical goals, and some of the roots of later preschool systems can be found here.

Illustration 3: Children entering the infant school of Cochin in Paris 1845

Strictly speaking, the innovations in collective childcare which emerged as a reaction to societal transformations from the late 18th century onwards cannot be termed public childcare in the sense used here. These initiatives were not paid for out of the public purse, but were funded by churches, philanthropists or even partly by parents. This was nothing new, nor was it new that children were cared for by people other than their own parents or kin. This sort of alloparental care is relatively normal in human hunter-gatherer groups, where the whole group keeps a collective eye on its children, even if the main responsibility for them lies with their parents (see, for example, Turnbull 1965 on the Mbuti pygmies), and in rural settlements which tend to organise mutual support systems. The history of humanity is full of some kind of collectivised childcare (Hrdy 2009); for children to be cared for exclusively by their parents and grandparents is the historical exception, not the general rule. What was new in the childcare initiatives of the early 19th century, was the form of collectivisation: for the first time in history, young children were taken care of by taking them out of their community and placing them in organisations especially created for the purpose.

Partly new, for children having to survive by themselves, because they had lost their parents or whose parents were too poor to look after them, and who had been figures of the urban landscape for centuries.
By today’s standards these organisations cannot be considered specialised, since their staff—mostly nuns or charitably-minded bourgeois women—were not trained as teachers. Yet they were specialised in the sense that the care of young children was their main or sole purpose and not, as in earlier collective childcare arrangements, combined with other goals (such as hunting and gathering or farm work).

Since this ‘first wave’ was not yet public childcare in our sense and since most public childcare initiatives which developed during this period hardly qualify as ‘preschools’, they are beyond the scope of this research, although they are important for the prehistory of preschools for several reasons. First, the space in which preschools developed later was opened up by the experiences and experiments of the first wave. During this period collective childcare tended to focus on the protection of working-class and sub-proletarian children. However, the initiators of these childcare experiments pursued many goals, and the establishment of places where young children were looked after in groups inevitably generated pedagogical debate and practical attempts to combine the material protection of children with the pursuit of pedagogical goals. Second, the key role played by the Catholic church in the later development of preschools was prefigured by its engagement in this first wave. Ideologically there was a world of difference between caring for children whose parents were unable, or presumed unable, to take care of them and providing a preschool education for all comers. In the first case the church only intervened as a substitute for the dysfunctional family, whereas in the second case all children were taken out of the family for some time to be educated in a specialised institution. Organisationally, preschools faced the same kind of managerial problems as did older forms of public childcare but practising the one made it easier to practise the latter later on.

The second wave of the development of public childcare and the focus of this paper, is the advent and development of preschools. The basic idea of preschool, or kindergarten, as they were originally called, is that children attend preschool because this helps them to learn skills or behaviour which are better learned in same-age groups than in families. For 19th century pedagogues like Friedrich Fröbel kindergartens were vital in developing the creative potential of a child’s personality. For the church—once it had accepted the general idea of the preschool—kindergartens were an instrument to prepare children for a responsible life in society as members of a religious community. For the state, kindergartens were and are, an instrument for the early integration of all children, irrespective of their ethnic or class origins, into a society governed by the nation-state. Parents and the general public may perceive preschool attendance as the best preparation for school life and for life in the community in general. Various and contradictory as these reasons for having preschools may be, what they have in common is that they apply to all children: all must be enabled to develop their creative potential, all must be integrated into society or the church community, all must be prepared for life as adults. This constitutes a break with the philosophy of the first wave, which was designed predominantly to protect the children of the poor.
Kindergartens have their ideological roots in the works of pedagogical authors, first and foremost Fröbel (1826). But in Europe the actual development of kindergarten systems (co-)financed by the state and accessible to all had very little to do with the projects of the influential pedagogical thinkers of the 18th, 19th and early 20th centuries. The data in the country reports reveal that the emergence of an early preschool system in Belgium was something of a historical accident, and its (truncated) development in France had little to do with a pedagogical (as opposed to a political) project. In other countries, where the state did not (significantly) participate in funding preschools, fee-based kindergartens remained a middle-class phenomenon; where there was a tendency to open up access to other social strata, this was mainly the work of a single large institutional actor, the Catholic church.

In a third wave, the focus of public childcare shifted again. In the 1960s the rise of mothers’ labour market participation created a new problem: who would look after children previously cared for by their mothers? The response to the problem was a new supply of public childcare. This new public childcare differs from kindergarten childcare in several ways. It extends to younger children and to older children in as far as school-going children have to be cared for after school hours. The opening times are generally adapted to fit work requirements (whereas preschool times followed, and still follow, a fixed schedule). The supply of these services is generally perceived as a matter of social, rather than educational policy. As a result, different authorities may be responsible for preschools and for other forms of public childcare. The main interest served by these services is to free both parents for paid work. As a result, access to these services is conditional on parents’ work-related needs and on payment (usually income-related) of fees, whereas preschools are open to all and generally free.

In a world, in which preschools and the third wave of public childcare services could be perfectly separated, we would dispense with any treatment of this third wave. In the real world, however, there are connections and overlaps between preschools and other forms of public childcare. The justification for the early public funding of kindergartens in Belgium and France was certainly not to encourage mothers to work outside the home, but once universal full-day kindergarten places were available, mothers’ entry into the labour market became easier than it would have been without the kindergarten system. The practice of sending children to kindergarten also paved the way for other forms of childcare, which would have been more difficult to introduce in Catholic countries in different circumstances. In Denmark, the 1964 reform of public childcare was conceived as a purely pedagogical project, but the implementation of the new law coincided with a surge in the female employment rate and the originally pedagogical project evolved into a system of public childcare heavily focused on combining family life with paid work—in fact into the most comprehensive life-work system in Western Europe. In Sweden, kindergartens were a virtually marginal social phenomenon until the 1970s. When it took-off public childcare was conceived as a part of emancipatory politics, as an instrument to enable women to participate fully in economic life. Yet with the development of this non-preschool-like public childcare new pedagogical problems emerged, which pushed the system in a more preschool direction. In some countries (e.g. Belgium, France, the Netherlands, Germany) there are clear institutional boundaries between kindergartens and forms of public childcare intended to facilitate work-family reconciliation; in others (the Nordic countries, Spain), these boundaries are less rigid.

Thus, when speaking of a ‘second’ and ‘third wave’, we are not necessarily speaking about different eras, or clearly separate institutions. In Spain and Italy, the great expansion of the preschool system only got underway after preschools had already reached their maximum expansion in Belgium, but the underlying ideas and the institutional characteristics of preschools in these three countries are very similar. The ‘second wave’ and ‘third wave’ are terms for different conceptions of public childcare, one stresses the pedagogical goals of childcare, the other the goal of work-family reconciliation in times of the (intended) equality of men and women. In as far as the two goals in some institutional frameworks tend to get mixed up, this study of preschools requires us to take a look at the third wave of development.
4 New forms of collective childcare in the late 18th and to the mid-19th century

4.1 Belgium and France: kindergarten pioneers?

France has the reputation of being the pioneer of the kindergarten as a system, namely as a publicly financed and universal service (Blackstone 1971; Morgan 2006). Belgium was certainly a pioneer (see infra). Let us take a look at developments in both countries and at what social structures and historical conjunctures made them leaders in this field.

In 1900, 46–49% of children aged 3–5 were enrolled in Belgian preschools. In 1910 the proportion in this age group had risen to 60%. Attendance figures then stagnated between the World Wars, only to rise again steeply after World War II. In 1948, attendance had reached 86% and in 1960 it surpassed 90%. Since about 1970 almost all children in this age group attend preschool (Bahle 1995 and Depaepe; De Vroede, Minten and Simon 1998). Since then, preschools have progressively been opened for children aged 2½; it is now the social norm that children attend preschool from the age of 2½, with 97.3% of 3-year-olds registered in preschools in the French community and 98.6% in the Flemish community by 2016 (European Commission, EACEA, Eurydice, Eurostat 2019a).

From a comparative perspective, these figures are astonishing. It was only France and the Netherlands that had attendance of around 30% by 1900. In France the figures then dropped sharply (see infra), in the Netherlands they continued to rise very slowly (Bahle 1995). Thus, around half of Belgian children aged 3–5 were in preschool at a time when preschools were still an exceptional phenomenon in most European countries. In no country but France did attendance rise above 50% before 1960—a time when it had become abnormal (and mostly restricted to rural areas) for Belgian parents not to send their children to preschool.

How did this exceptional position of Belgium come about? The Industrial Revolution came early in Belgium, and with it some day-care centres for young children threatened by the disruptive side-effects of industrialisation (De Vroede 1982). Some of these centres were organised by municipal authorities, others by church authorities. In 1842, the first Belgian law on public education below university level introduced public subsidies for municipal preschools. There was no indication of the goals to be pursued by public childcare for children under school age or rules regarding organisation and management of day-care centres (Depaepe et al. 1998a). There is no sign that any pedagogical project was pursued, and there is perhaps not surprising, since the basic idea underlying care centres was that they were a lower-quality solution for the protection of children who ideally ought to have been taken care of by their mothers. In 1857 a Froebel kindergarten was set up in Elsene. It (and especially the related literature), was the first collective childcare project to pursue universalist pedagogical goals and it became the point of reference for preschool development in Belgium (Depaepe 1990). The idea that collective childcare was more than a poor substitute for maternal love and had a positive effect on the social, emotional and cognitive development of children was gradually accepted by all actors in the field, philanthropic, clerical or municipal. In the process of establishing kindergartens for the education of all children instead of caring for the socially deprived the pedagogical project underwent a transformation: creativity was substituted by discipline and the social goal of kindergartens was increasingly perceived as a preparation for children socially and cognitively for a life adapted to the constraints of society (Depaepe 1990).

Despite this change in public childcare in the direction of universal provision, kindergartens in Belgium—particularly if compared to France—remained a marginal phenomenon until the outbreak of a political conflict which had nothing to do with preschools as such. In 1879, the new radical liberal government under Prime Minister Frère-Orban decided to reform the school system in order to break the de facto hold of the Catholic church on primary school education. According to the 1842 law, every Belgian municipality had to set up a primary school if no such school had already been established by private initiative. Primary schools were to a great extent paid for out of the public purse, regardless of whether they were private or run by the municipality; and the schools enjoyed large discretion in laying down the curriculum

4 New forms of collective childcare in the late 18th and to the mid-19th century
New forms of collective childcare in the late 18th and to the mid-19th century (Depaepe et al. 1998b). Since the church had been active in establishing primary schools a long time before the foundation of the Belgian state in 1830 and could draw from a rich supply of priests and nuns to staff its schools most primary schools were in practice Catholic schools. They were financed out of state funds, but the state had little influence on their activities. Under the new law, all municipalities had to have their own schools, which could only employ teachers with a qualification from a higher-level state school; the municipalities were forbidden to take over private schools as the new municipal school. Public schools had henceforth to be ideologically neutral and religion was no longer taught as a compulsory subject. Private schools were no longer subsidised (Depaepe et al. 1998b). The ecclesiastical authorities in Belgium reacted by organising petitions and demonstrations and by excommunicating all teachers working in municipal schools and students studying in state-run teacher training schools. Parents were warned to withdraw their children from public schools in order to “save their souls”. New Catholic schools (and preschools) were established at an astonishing speed. The result was that the municipal schools in the deeply Catholic Flemish part of Belgium—many of them newly founded under the 1879 law—were left without teachers and pupils as teachers had resigned for fear of excommunication (and found jobs in the new Catholic schools), and pupils had fled because priests told their parents they should do so. This episode, known as the ‘school struggle’, united the Catholic political forces, previously divided between liberal Catholics who tended to cooperate with the liberals, and the conservative ‘Ultramontanians’ who looked ultras montes (over the Alps, i.e., to the Pope) for their political inspiration (Righart 1986). Unified, the Catholics went on to win the 1884 national elections and were now in a position to reverse the educational reforms of the Frère-Orban government. In a first move, the municipalities were given full financial responsibility for schools and were also allowed to adopt private, i.e. Catholic schools as municipal schools. Since rural municipalities were mostly governed by Catholics and had difficulties meeting their (partly new) financial responsibilities, they tended to opt for adopting an existing school rather than the generally more expensive alternative of establishing a new school in addition to the existing Catholic school. From 1894 onwards, subsidies for private schools were gradually reintroduced (Depaepe et al. 1998b).

Although preschools played no role in the ‘school struggle’ as such, its outcome gave an enormous momentum to the development of the preschool system. From the early 1880s onwards, Catholics became extremely active in founding schools and preschools. This in turn stimulated ant clerical liberal and later socialist municipal governments to set up their own preschools. The ‘hot war’ over schools (and preschools), fought between 1879 and 1884, now became a ‘cold war’, where both parties focused on accumulating ‘weapons’ (schools and preschools). Since both the municipal and the Catholic preschools were subsidised out of the public purse, there was every reason for both parties to go on competing for “children’s souls” in this way.

By the early 20th century, preschool attendance, especially in urban areas, had become a normal part of a Belgian child’s life. Although both Catholic and bourgeois ideologies stressed the importance of maternal love and engagement for children and saw the state as (at best) a subsidiary to the family in taking care of children, preschool attendance came to be seen as a highly desirable stage of transition between the life of a toddler, who belonged exclusively to his mother, and the life of a school child, who had to take on responsibilities. The main purpose of the preschool was seen as the preparation of children for school (and real life) in an atmosphere still characterised by play and affection. The transitory character of the preschool is best expressed in the composition of its staff: teachers were exclusively female—whereas primary school teachers were all men—and were seen as quasi-maternal figures who were supposed to emulate a mother’s relation with the children (Depaepe 1990). That the main purpose of the preschool was education and preparing children for school life becomes clear when reading L’école gardienne, the journal of preschool teachers published since 1899. This journal published theoretical articles on pedagogical questions and detailed proposals of preschool curricula: intellectual and physical exercises, songs, stories, poetry etc., planned for the year, month, week and even day of the week. The theoretical articles were published in French and were thus inaccessible to most Flemish preschool teachers, who only read in Flemish. But the practical part of the monthly was regularly translated into Flemish, and with its strong focus on small steps in developing cognitive skills was able to influence preschool life.

4 New forms of collective childcare in the late 18th and to the mid-19th century
Due to economic problems caused by war damage and the economic crisis of the 1930s the availability of places in preschool stagnated between the wars. Steady and speedy expansion took off again after World War II.

It is only slightly exaggerated to say that a historiography of the Belgian preschool ends in 1970. Although there was never a legal obligation to send children to preschool, from the late 1960s onwards nearly all Belgian children attended preschool either half-day, but mostly on full-time from the age of 3 onwards. This was facilitated, first, by the fact that preschools—except for lunches provided—were cost-free for parents, and, second, by the absence of any opposition by conservative, family-oriented social and political forces. In fact, these forces, which were very prominent in Belgium, had a stake in the system of universal preschool access themselves. Very little has changed in Belgian preschools since then, except that the normal age of entry has been lowered to 2½ years and that the opening hours have been extended to accommodate working parents. The underlying idea that preschools are preschools, namely, that their main objective is to teach children something useful, has never been questioned. We have tried to find signs of a public debate on preschools in Belgium during the last half century but without success. Both the necessity of attending preschool and the purposes of doing so are now considered self-evident in Belgium.

What has changed in the realm of public childcare in Belgium is that since the 1970s provisions for the care of younger children have been developed, thus enabling mothers to work. There had, as we have seen, been day-care centres for children under preschool age since the Industrial Revolution, but until the 1970s places in these centres were in practice reserved for the working poor. Until 1960 attendance figures never rose much beyond 1% of the age cohort (Farfan-Portet, Lorant and Petrella 2005). New forms of public childcare were only developed with the massive entry of middle-class women into the labour market in the 1970s. Here a very important role was played by private childminders, who take care of a small number of children in their own homes. Although ‘private’, their services are subsidised out of the public purse in two ways: the fees for children from poorer families are paid partly out of public taxes, whereas the better-off parents can deduct most childminder’s fees from taxes. In Flanders, about 60% of children under 2½ who are not cared for within the family are with private childminders (Herebouw and Peetermans 2009; European Commission, EACEA, Eurydice, Eurostat 2019a: 165–167). In addition to childminders, there are municipal day-care centres which have undergone qualitative changes compared to the situation before 1970. The focus of their activity has shifted from the almost exclusive care for children’s physical well-being to a more differentiated picture, in which pedagogical goals have started to play an important role. Many municipalities have a range of types of childcare centres, with different opening hours and services for parents and children, sometimes with different pedagogical goals (Meulders and O’Dorchai 2008). Overall, public childcare coverage for the under-3s in Flanders is now above 50% and among the highest in the world (OECD 2019: 2). In Wallonia, the French-speaking south of Belgium, it is lower. This is due to high unemployment which has depressed the need for public child-care, and there are fewer resources to invest in public childcare.

Unlike other countries, such as Sweden and Spain, Belgium has a strict separation between preschools and forms of public childcare for children below preschool age. Both the supply of preschools and forms of public childcare for children under 2½ years are highly decentralised, but in as far as there is some centralised administration, preschool issues are treated as educational issues, are regulated by school legislation and fall within the jurisdiction of the Ministry of Education, whereas the organisation of care for younger children is coordinated by so-called ‘parastatal’ specialised administrations (Kind en Gezin in Flanders, Office de la Naissance et de l’Enfance in Wallonia) and treated as a matter of family policy and women’s emancipation. At no point in the organisational chart of public administration do the two questions touch each other. Much more can be said about the complex developments in childcare for children under 2½ in Belgium, but this is only part of our theme in as far as there are interactions and overlaps with preschool development. For further information about care arrangements for children under preschool age see: European Commission, EACEA, Eurydice, Eurostat 2019a; Farfan-Portet, Lorant and Petrella 2005; Hedebov and Peetermans 2009; Kremer 2002; Meulders and O’Dorchai 2008; Vandenbroeck 2003; Van Dongen 2004.

These are public administrations which are independent of the government of the day.
other. Yet it seems very likely that the early blossoming of preschools in Belgium opened the way for early childhood public childcare which might otherwise have been less accessible. We might have expected the generally conservative nature of family ideology and family policy in Belgium (Bahle 2002), focused on the promotion of traditional, asymmetrical family roles, to have stood in the way of massive public subsidies of new childcare arrangements intended to change gender roles, were it not for the fact that by the 1970s the conservative Belgians had long become used to children of preschool age being away from their families on a full-day basis.

To summarise the special position of Belgium in the development of preschools we observe that the pedagogical theories underlying the idea of the kindergarten were developed elsewhere and were only partly influential in Belgium. Yet Belgium was the pioneer of the kindergarten in the sense that it was the first country in the world—long before all others—where regular preschool attendance became a normal part of children’s lives. This development had nothing to do with any conception of family policy, of women’s emancipation, the welfare state or state authority in general. It was an unplanned consequence of a specific historical juncture, namely, of the course taken by the struggle between the church and anticlerical forces over the control of the state and education.

The promotion of the preschool was not devised as a response to the needs of working mothers. There was no policy giving preferential access to the children of working mothers, nor were the opening times of preschools adapted to the needs of working parents and followed the school model with some free afternoons and a two months’ summer holiday. The expansion of the 1880s took place during the Great Depression (Arrighi 1994), a time of massive unemployment, and the period of upswing and fast economic growth following this depression saw a decline of female employment (Penn Hilden 1993). Between 1910 and 1960, the share of women in the work force dropped sharply from 40% to 26%; by that time, it had become unusual for women to continue working after the birth of a child (Degimbe and Simon 1991). In other words: as fewer women, especially mothers, participated in the labour market, more children went to preschools. Female employment only started to rise again in the 1960s at a time at which nearly all children were already enrolled in preschools.

Furthermore, the rapid development of preschools had nothing to do with the way the welfare state was constructed in Belgium. This follows from the chronology: the first legal step towards the construction of a welfare state in Belgium was the 1903 law on work accidents (Chlepner 1983), at a time when the expansion of the preschool system had already been on its way for nearly two decades. And the period of take-off for social security, family policy and measures to protect young people in Belgium, i.e. the first half of the 20th century, also coincided with the period of stagnation in Belgian preschools.

Preschools in Belgium were also conceptualised as nation-building institutions, as a way of inculcating the values of the nation and the state in the population, as was the case in France or later in Communist states. What is striking is that there never was a central plan guiding the establishment of new preschools in Belgium, nor a centrally determined curriculum, neither on the state nor on the Catholic side. The state preschools were set up and managed by the municipalities, and whether they were established at all depended partly on the political party in power. Catholic preschools were not established and managed by the church as such, but by existing charitable organisations or by ad hoc associations of parish priest and local notables. There was, and is, no central authority or hierarchy.

We now want to compare these Belgian developments to those in France. Until 1903 developments in France ran parallel to those in Belgium. Fierce competition between the Catholic church and a republican state presenting itself as the bearer of secular values led to a rapidly increasing supply of preschool places. This development was cut off by the victory of the French state in the ‘school war’.
In 1903 religious preschools were forbidden by law. Even after they had been allowed to reopen, they had to contend with problems of financing, whereas state preschools were state-financed and mostly free for users. Since most preschools in France had been Catholic until 1903, preschool attendance almost immediately after the reform dropped to about 15% of the cohort, less than half of what it had been before. The figures only started to rise again after World War II, up to 75% in 1970 and nearly 100% some years later. In recent decades, France has also become one of the leaders in public childcare for the under-3s.

Explanations for France's leading position in the field of public childcare often focus on the staunch republicanism of the French state, resulting in centralised policies attempting to make every inhabitant a French citizen, and on the victories of the French state over the church, which are supposed to have made it easier to institute public childcare against the church's conservative family ideology. If one compares France to Belgium, it becomes clear that these ideas cannot at all explain the history of preschools in France. In Belgium, the state has always been regarded with distrust by much of the population. The church managed to retain much of its power, a powerful christian democrat party emerged, and there were only very weak central policies in the preschool field. Despite this there was an almost linear expansion of preschools. The only thing Belgium and France had in common was the competition between the church and anticlerical forces, and it was after this competition was banned by law in France that preschool attendance figures plummeted. French national ideology may have been of some significance in stimulating the new expansion of the preschools after World War II. But it is clear that the competition between the church and anticlerical forces was the sole driving force behind Belgium's vanguard role in making preschool attendance a normal part of a child's life. It is also clear that eliminating this competition prevented France from taking the same road as Belgium.

These developments had nothing whatsoever to do with ideas of women's emancipation or with the perceived need to reconcile paid work with childcare. It is true that female labour market participation was comparatively high in northern France and Belgium during the second half of the 19th century and the early 20th century (Penn Hilden 1993), but this was not perceived as desirable by representatives of ei-
ther the bourgeoisie or the working class. For a long time the dominant ideology of the family and gender relations in France and Belgium was centred on the idea of motherhood as a women’s major and natural mission in life (Lenoir 2003). The new rise in female labour-market participation from about 1960 was nevertheless strongly facilitated by the childcare services which were in place for entirely different reasons. One of the responses to the new needs of working mothers was to lower the age of entry for preschools first to 2½ years, and then to 2 (Neuman 2009; Van Dongen 2004).

Belgium and France are both clear representatives of the educational paradigm and are therefore usually dealt with together in the literature, but this does not yet explain anything about their pioneering role in public childcare. First, they differed—and still differ—in terms of both educational goals pursued by the preschool system and some crucial issues of organisation. Second, there have been pioneers and latecomers within this paradigm, and the question is what made Belgium and France different from all the other countries which might have developed an early preschool system but did not.

In Belgium and France, as in all countries examined here, early kindergartens were private (i.e. non-state) initiatives. In both countries, most early schools and kindergartens, often organised as annexes to schools, were church initiatives. From the late 1870s onwards, in both countries the secular state, under the control of a radical liberal bourgeoisie, tried to bring schools and preschools under its control, giving rise to a fierce struggle between the state and the church. That is what the genealogies of the Belgian and French kindergarten systems have in common. But from that point onwards the two stories diverge.

In France, the state won the ‘school war’ and for a time even prohibited religious—but not private—schools and preschools. Public schools and preschools were free of charge, and private initiatives had to finance themselves. Preschools were integrated into the strongly centralised school system, one of the guiding principles of which was the spread of so-called republican values, i.e. the basic idea that everybody living permanently in France should become a French citizen with a national (as opposed to regional or ethnic) identity and basic obligations towards their nation. Authors who have tried to explain France’s pioneering position in the spectrum of international childcare (Letablier and Jönsson 2003; Morgan 2002–2003) focus precisely on these elements. They argue that the French vanguard position was a result of the state’s victory over the church and its conservative ideology, and of the ensuing centralisation of the relative decision-making competences; the priority given to preschools was then reinforced by the prona
talist goals pursued by the state and stabilised thanks to the fact that France was the only catholic country without a viable christian democrat political party.

The obvious problem with this explanation is that all these ‘decisive’ factors were absent in Belgium, where preschools flourished more than in France and the availability of preschool places never took the firm dip it underwent in France between the early 20th century and the end of World War II. In Belgium, the state lost the school struggle. Between 1879 and 1884 it tried to take full control of the school and preschool system, but this only led to an embittered opposition by the church authorities, supported by the predominantly catholic population, and to a closing of ranks among Catholics, who until then had not formed a unitary political movement. As a result, the administration and financing of preschools remained much the same as before the school struggle. No central administration of the preschool system ever emerged in Belgium; preschools were established by municipalities, religious initiative or, in rare cases, on non-religious private initiative. Even within the church, there were no central authorities structuring the dynamic process of their explosive growth; this was the business of the local parishes. Of whatever variety they were, most of them were heavily subsidised out of public money and were free of charge. All this means that preschools flourished without any central planning, without any specified policy goals, and despite the victory of the bearers of a conservative ideology and the emergence—as a result of the school struggle—of a strong christian democrat party, which was to govern Belgium for most

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10 Certainly not with the goal of inculcating republican or national values. The Belgian territories had been occupied by foreign states from the early 15th century until the foundation of the Belgian state in 1830, and as a result the state has always been and is still generally mistrusted in Belgium. Any institution explicitly designed to propagate common national values would have had to count with resistance by the population.
of the 20th century. The success of preschools in Belgium was the product, not of state policy, but of fierce competition between the church and the municipal authorities—in the larger towns most of the time anticlerical—to supply children with ‘appropriate’ preschools. Such supply would have been meaningless without demand. Where the demand came from is at first sight something of a riddle, for many preschool children had mothers who were housewives, who could have taken care of their children themselves. The explanation is probably that once preschools had gathered a certain momentum, and it became clear that children who attended them were better prepared for school, both socially and cognitively—and this gave parents a strong incentive to send their children to preschool, which was free of charge except for meals.¹¹

What the Belgian case teaches us is that neither the explicit policy goals pursued when organising public childcare, nor the dominance of one or other political party, nor the issue of centralisation vs. decentralisation may have much to do with the development of public childcare. The only thing the pioneers of such childcare, Belgium and France, have in common, is that they both experienced a virulent conflict between the state and the Catholic church over hegemony in education. This conflict pushed the two institutional actors to do their utmost to draw clients into their own network—and this clearly involved supplying preschool places. In this context it is worth noting that the Belgian ‘solution’ to the church-state struggle was—from the point of view of the development of preschools—more productive than the French solution. In France, the church was defeated, and once it was defeated, the supply of preschool places dropped, only to rise again after World War II. Since parents were willing to send their children to preschool, the state still had an incentive to provide them, but this incentive was not very strong given the sorry state of the competition, and preschools had to compete with other priorities weighing on the budget. In Belgium, the Catholic church retained the right to organise preschools and to be subsidised by the state. The ‘school struggle’ therefore never ended, it just shifted from the field of grand politics to the daily business of building preschool buildings, improving facilities, training and hiring preschool teachers, and so forth. Competition incited both institutional actors to expand their supply and the quality of the service. The growth of the preschool supply was almost linear; the growth curve only flattened out during the interwar period, as a result of financial problems caused by the economic depression.

Illustration 6:  France, preschool children of Ste. Marie, Rue Gambetta in the 1920

¹¹ This paragraph is based on Willekens 2009.
4.2 Developments in homogenously Catholic countries

4.2.1 Italy

Italy is a homogenously Catholic country and has experienced bitter clashes between the Catholic church and anticlerical secular political forces throughout the second half of the 19th century, and lasting to around the outbreak of World War I. Education was a fierce turf battle for clerical and anticlerical forces (besides the issues of civil marriage (adopted in 1865), divorce, administration of church property, the suppression of religious orders, and the occupation of Rome in 1870). Religious instruction in public schools was an ongoing controversial issue, starting in 1870/71 when the Italian government decreed that religious instruction in state-controlled elementary schools had to be taught only to pupils whose parents requested it, whereas it had been previously been compulsory for all pupils. In 1872 another attempt to limit religious instruction in secondary schools was strongly opposed and failed. The introduction of obligatory schooling was another contested theme. After a liberal-left government came to power in 1876, a law was enacted in 1877 to combat illiteracy and introduced three years' compulsory schooling for children aged 6–9. Heated fights took place in the following years and decades between clerical and anticlerical forces demanding the complete secularisation and laicisation of school curricula (Halperin 1947). We would expect this fierce competition to have fuelled early expansion of preschool education.

Under the liberal government after Italian unification in 1861 no particular attention was paid to preschools, state or otherwise, but institutions for children from destitute families remained largely in the hands of the Catholic church and philanthropic initiatives, despite the fact that Italy has a long tradition of childcare for working-class children and preschools as pedagogical experiments. In 1828, the first scuola infantile was opened in Cremona by the Catholic priest Ferrante Aporti; similar institutions followed in Florence in 1834 and in Milan in 1836. In 1846 Aporti reported the existence of 178 asili infantili (Albisetti 2009: 161). He was inspired by philanthropic ideas, and besides looking after the uncared for children of widows, workers or farmers due to poverty, health problems or lack of time, he pursued educational objectives and laid the foundations for preschool institutional education and instruction in Italy (Hohnerlein...
Although Aporti was a Catholic priest and religious instruction in catechism and the Bible were an integral part of his curriculum (Albisetti 2009: 162) his asili infantili were fiercely contested by the Catholic church which declared them "foreign", like Jewish or Protestant nursery schools, and endangering the family (Ferrari 1999: 107). The church claimed its monopoly to care for orphans and children in need and defended the idea of limiting the purpose of these residual institutions to poor relief, social assistance and teaching catechism, discipline and good behaviour. In 1837 Cardinal Odescalchi sent a circular in the name of Pope Gregory XVI to all bishops condemning the scuole infantili or sale d’asilo for being influenced by protestantism and other dangerous ideas incompatible with the Catholic spirit and prohibited Catholics from participating in them (Catarsi 1994: 25). Several critical articles appeared in the Jesuit journal La Civiltà Cattolica which incriminated Aporti and others for opening the institutions up to all children, not just orphans, for paying too little attention to teaching catechism and for employing lay teachers; all against Catholic principles.

From the 1860s to the late 19th century

In the 1860s, the number of asili d’infanzia grew. Garibaldi mandated the foundation of these asili for poor children in the Italian South in the short period in 1860 when he reigned in Sicily and Naples (Albisetti 2009: 161). However, after Italian unification in 1861, the liberal forces governing Italy began to pay less attention to the preschool question than had been previously been the case in some parts of the country, especially in the state of Piedmont. The first national school law, the legge Casati (a law of the Reign of Sardinia of 1859, extended to the whole of Italy after unification) introduced elementary obligatory schooling (though without any sanctions in case of infringements), but did not mention preschools. Thus, even the potential supportive role of preschools to combat the problem of illiteracy in Italy was neglected (illiteracy stood at 78% in 1861 and 56% in 1901; Genovesi 1998: 226). The low level of professional requirements for asili d’infanzia were even lowered by a decree regulating the implementation of the legge Casati, compared to former decrees of the state of Piedmont (Moro 1952: 15 f.), since no personal qualification at all was required. This was an “evident regress” in 1860 (Moro 1952: 16) when the liberals came to power. The question of teacher qualifications continued to be a controversial issue between the Catholic church and the state for more than a century until a compromise was reached in 1968. The Catholic church had a vested interest in protecting its workforce, enabling nuns and members of monastic orders to teach without state qualifications, and later to run church-controlled training institutions and have them recognised by the state.

The question of which ministry and which realm of competence the asili d’infanzia should be assigned to was also grounds for competition. The church fought for its affiliated institutions to have same treatment as its opere pie, thus as residual institutions for destitute and abandoned children, while others emphasised the educational character of infant schools designed for all children. Before Italian unification, the state of Piedmont had assigned competences to ministries with two goals: the Ministry of the Interior had the main competence for institutions for welfare and social assistance; and provincial educational authorities had a residual competence to control the suitability of staff and their qualifications and some supervisory competences of school inspectorates (Moro 1952: 12). This basic construction was maintained after Italian unification; in 1862 childcare institutions were brought together with other public welfare institutions under the Ministry of the Interior (Hohnerlein 2009). This confirmed the path of institutionalisation as residual institutions of charity and social assistance, founded by private or religious associations, charities, municipalities or private individuals, but not as state-run educational institutions. This situation lasted until 1914, when the educational goals were emphasized through the first programmes for infant education, and until 1923 when the scuole d’infanzia were recognised as a preparatory grade of elementary schools (Di Pol 2005: 39).

Summing up, the development pattern in Italy was initially quite modest. From the 1860s to the late 19th century, liberal governments displayed little interest in promoting preschools. In the 40 years from 1860 to the end of the century, the number of institutions for young children did not even double (Catarsi 1994: 30). The number of children enrolled tripled, however (from 6% of children aged 3–5 years to 20% in 1899/1900; Catarsi 1994: 30), mainly because Catholic asili d’infanzia administered very large groups of children. The
New forms of collective childcare in the late 18th and to the mid-19th century

Reluctance of the liberal-conservative governments in the second half of the nineteenth century to recognise the educational character of asili infantili and their compromising with Catholic clerical forces has been described as “calculated negligence” (Genovesi 2004: 72) based on the principles that the gaps of state provision and organisation should be filled by private initiatives, even if Catholic, that the Catholic church which suffered losses with Italian unification should be compensated, best in fields considered marginal, and that the state should leave the administration and management of the asili to the clergy (Genovesi 2004: 72). The paradox is that the asili infantili were left to the supremacy of the Catholic clergy, reducing the influence of secular staff to a minimum, at a time when the secular liberals were governing Italy. It shows that compromise won over competition among the anticlerical liberal forces in government and the Catholic church in Italy, and that this compromise did not mean investing substantial public resources in the sector of infant education, but the encouragement of private initiatives (i.e. mainly Catholic).

This development is mainly explained in political terms (liberal and conservative political forces were increasingly concerned about the impact of socialist and popular movements) favouring political compromise between liberal forces and Catholic conservatives (Genovesi 2004: 72; Catarsi 1994: 28). A second reason was the difficult economic situation of Italian state finances after unification and the heavy expenses for the wars of independence and the construction of a national administration, that left the state with depleted public resources (Di Pol 2005: 196). This put obstacles in the path of compulsory elementary schooling. A central issue of conflict between the ecclesiastical powers and anticlericals remained the secularisation of schools and religious instruction in public schools. In this situation, infant education was left to the Catholic church and sacrificed by anticlerical liberals to obtain support and compromise in other policy areas. At the turn of the 20th century and after the advent of Pope Pius X in 1903, relations between the Vatican and the Italian government improved at the everyday level given “the fear of socialism that gripped Vatican and Quirinal alike” (Moro 1947: 19).

New developments in the early 20th century

Despite this low level of public engagement by the public authorities in Italy, some pioneering pedagogical experiments did take place. These included the pedagogical ideas and institution developed by the Agazzi sisters between 1895 and 1917 and Maria Montessori’s ‘Casa dei Bambini’ in 1906 in Rome with its new didactic approach. At the time they were appreciated much more abroad than in Italy. Municipal childcare was developed in some cities, the first being Reggio Emilia between 1910 and 1920, backed up by left-wing political forces (Hohnerlein 2009; Di Pol 2005). At the national level, no fundamental change was made to ECE policies implemented in the following decades. Some initiatives were taken, such as the development of a national programme for early childhood education in the form of ‘Ministerial Instructions’ of 1914, inspired by Fröbel’s ideas and the Agazzi pedagogues, but were not implemented in practice due to the shortage of professionally trained staff; at the time of World War I 60% of the staff were nuns (Hohnerlein 2009: 91). Under Fascism a reform by the Minister of Education, Giovanni Gentile, declared maternal schools as voluntary first grade before elementary schools, but even this was not put into practice. The Ministry planned to put preschool education under state control and the fascist project to make preschool attendance obligatory collapsed with the end of the Fascist regime.
Considerable expansion finally took place from the 1920s on, after the rise of Fascism. The expansion continued after World War II and reached a comparatively high level in the late 1950s, when one third of all children aged 3–5 attended preschool. At the time, Italy ranked behind Belgium, the Netherlands and France, but was ahead of other European countries (Bahle 1995: 141).

The decisive turn in 1968

Agreement was not even reached in the postwar period, and it was only in 1968 that the controversial question of state-run preschools could be settled in Italy. The decisive turn was in 1968 with the subsequent introduction of a universal, publicly financed preschool system with Reform Law 444/1968 that initiated the rapid expansion which lead to near universal coverage of the age group today (Hohnerlein 2009). The percentage of children aged 3–5 attending scuola materna rose from 46 % in 1968/69 to 95.1 % in 1996/97 (Ferrari 1999: 123 f.). Before the 1968 law, which reorganised the field and became the starting point for the development towards a quantitatively state-dominated system of kindergartens, kindergartens were ‘private’ initiatives, with more than half of them in the hands of the church; the others were to a large extent supplied by municipalities, especially in northern Italy. Even if the church was the most active institutional actor, it was less active than in Belgium, apparently because it did not have to fear the state as a real competitor. Law 444/1968 formed the basis for the public financing of a full coverage kindergarten system. Though opposed by the church, it avoided an open conflict with it, first, because it also subsidised religious preschools, and secondly, because it only allowed the state to open new preschools if the need was not already covered by existing initiatives—a rule excluding the kind of competition for children’s souls which had taken place in Belgium for over a century. The main arguments used in the protracted and complex political debate leading up to Law 444/1968 focused on new theories and empirical findings in the pedagogical sciences and on a general but rather vague need to ‘modernise’ the Italian educational system, and were therefore all of a pedagogical nature (Della Sala 2002). Women’s labour market participation was at a low in Italy during the 1960s and played no role in the political debate (Della Sala 2002). Indeed, developments
after 1968 remained—despite the spectacular rise in women’s paid work since—entirely within the logic of public childcare as an enterprise of an educational nature: whereas by the 1990s nearly all children in the 3–5 age bracket attended kindergarten (Saraceno 1998) and Italy is one of the European countries with the highest coverage for this age group, public childcare for younger children—which cannot be comfortably legitimised by reference to educational goals—has remained dramatically undeveloped and lagging behind most other European countries (OECD 2005). Thus, Italy is a ‘latecomer’, compared to France and Belgium, but reached a similarly high level of preschool coverage at a later stage.

Illustration 9: Preschool children playing circle games

4.2.2 Spain

Spain is a homogeneously Catholic country with a particularly close state-church relationship that has historical roots dating back to the 6th century (de la Cueva 2003; Morán 1995). It played a central role in Spain’s Reconquista from the Moors; Spain was a leader of the counter-reformation. Since the unification of the Spanish kingdom in the late 15th century, Spain was a confessional state (Martínez-Torrón 2005). This narrow relationship between Catholicism and the state was upheld even in the 19th century; the Spanish constitutions of 1812, 1837 and 1876 declared Catholicism the state religion (Morán 1995: 535), and although the 1869 Constitution did not establish Catholicism as state religion, it recognized the state’s obligation to support the Catholic church (Martínez-Torrón 2005: 134). Although in the long run cooperation won over conflict, there were periods of fierce struggle and attempts by the state to control the church in the 19th and 20th centuries; the 1931 Constitution said that the Spanish state had no official religion, but this changed again after the Civil War 1936–1939 under Franco (1939–1975). Here too, the Catholic church managed to maintain a privileged position until the end of Francoist fascism in 1975. This had an impact on the educational sector, a main area of struggle, and early childhood education which was very closely linked to the educational sector since the 19th century.
The first wave — up to the 1850s

The development of preschools in the first half of the 19th century took place during a period of transition. From 1812 to 1837 the Catholic church underwent severe attacks on its power (de la Cueva 2003: 181); the Inquisition was suppressed, religious orders were dissolved, church property was confiscated, and the church was pushed back into the fields of charity and education. In the period 1835–1851 the state prohibited church tithes and confiscated 90% of ecclesiastical property (the church was a major landowner, owning 20% of the land) (Morán 1995: 535 f.). Conflicts started to decrease again after 1844 when the moderates came to power. This affected the organisation of education and the pedagogical ideas that underpinned it.

An important personality that promoted the preschool idea in Spain under the influence of the English infant schools was the liberal philosopher and physician Pablo Montesino who published a handbook for nursery school teachers in 1842 (Manual para los maestros de escuelas de párvulos). After a period of political exile in England (he had been a liberal deputy in 1822 had to migrate for political reasons) but returned under an amnesty in 1833; Vicente Villena 2000/2001: 327), he divulged the pedagogical ideas of preschool education and took part in a commission founded by a decree in 1834 to develop elementary education in the kingdom (Colmenar Orzaes 1999: 127). In 1838, the Association for the Propagation and Improvement of Popular Education was set up to promote popular education, and a special ladies commission within the association was responsible for the supervision and inspection of the escuelas de párvulos as well as girls’ schools and popular schools. On behalf of this association Montesino was responsible for setting up 5 infant schools. The first was in Virio in 1838, associated with a normal school, in a recently confiscated convent building (Colmenar Orzaes 1999: 128). In 1841 four more infant schools followed in Madrid, one of them on the site of the National Tobacco Factory. These infant schools soon ran into economic difficulties, since financing by the private association and private charity fell short of costs. The idea of was positively mentioned in official documents. For example, Law of 21 July 1838 on the plan for primary education, made positive mention of the escuelas de párvulos but without any public financing. In 1849, there were about 100 infant schools in Spain (Sanchidrián Blanco 1991: 81).

The second half of the 19th century

In 1851, church and state signed a Concordat on annual state subsidies and tax exemptions for the church (de la Cueva 2003; Morán 1995). The church obtained the key right to ensure that all teaching conformed to Catholic doctrine (McNair 1984: 19). On the other hand, the state had a monopoly over granting university and secondary degrees, thus the education of the elite.

The revolution of 1854 endangered these compromises, but conflicts over education were settled in the 1857 Moyano Law with a pragmatic compromise. The administration of education was conferred to a national ministry and the implementation and enforcement of ministerial policies delegated to a commission of university rectors, while the church had the right to control the content of curricula, teaching and textbooks. Religious instruction was mandatory for primary and secondary schools. A right to maintain and establish private schools (mainly Catholic) was granted (Boyd 1997: 14). The Law took preschool education into account as a first grade of elementary education, and divided primary education into three levels, starting with preschool. This illustrates the long-standing nature of early childhood education as part of public education in Spain. The Law encouraged the foundation of escuelas de párvulos, but without any financial contributions from the state. According to section 105 of the Law, infant schools would be established in municipalities with over 10,000 inhabitants (Colmenar Orzaes 1999: 131). This 1857 Act continued into the 20th century; Boyd (1997: 14) characterises it as a sequel to the 1851 Concordat made by a
conservative elite alarmed by the democratic revolutions taking place in Europe and as a step away from the total secularization advocated by progressive anticlerical forces.

In the revolutionary period of 1868–1874, the focus shifted from the dispute between liberals and the clerical right to state control over teachers, textbooks and professors sympathetic to democratic radicalism (Boyd 1997: 6). In the First Republic there was a new surge of liberal ideas even if it only lasted until 1874; in 1875 the monarchy was restored, and the restoration period (1875–1923) began. According to de la Cueva (2003: 182), the restoration political system required support from all the moderate forces, including liberals and Catholics, to counteract radical forces of other political wings, and the governments (both conservative and liberal until 1901) tried to “achieve a peaceful coexistence with the church and favour it as much as possible” (de la Cueva 2003: 182) and to avoid republican or socialist revolution. The liberals compromised and accepted religious tolerance within a confessional state, leaving the republicans to defend the principles of religious freedom and the secularization of the state but were too weak to defend this idea effectively (de la Cueva 2003: 190).

The freedom to teach at a university was a contentious issue, leading to the dismissal of professors, including Giner de los Rios who founded with other intellectuals a private institute, the Institución Libre de Ensenanza (ILE), the Free Institute for Education. Many of its associates were former republicans active in the revolutionary wave 1868–1874. Child-centred pedagogy developed influenced by the ideas of Pestalozzi and Fröbel, also focusing on younger preschool age children since 1878 which influenced preschool pedagogy (Boyd 1997: 30; McNair 1984). In 1876, a chair for infant education was created at the University of Madrid, and in 1878/79 a model infant school in Virio was opened, by ministerial decree of 1878 (Colmenar Orzaes 1999: 136). The section for children aged 6–8 was treated as the preparatory grade for elementary school. These pedagogical ideas of the ILE developed since 1876 had an effect on pedagogical reform and policy over the following decades until the Civil War of 1936–1939.

In the early 1880s, other innovative institutions were established, such as a pedagogical museum of primary education and a national pedagogical congress. In 1882, a decree set up a central office for the organisation and inspection of preschools (Patronato General de las Escuelas de Párvulos), under a female director (Colmenar Orzaes 1999: 137 f.). In 1882 the national pedagogical congress in Madrid advocated Fröbelian ideas and the exclusive employment of female teachers.

In the second half of the 19th century, the educational idea gained support in the field of early childhood education. According to Colmenar Orzaes (1999: 131) changes at the level of pedagogical concepts were most characteristic for the development and less for the setting-up of schools. In the period after 1857, the number of infant schools in Spain increased from 210 in 1860 to 815 in 1880 (covering 25% of children aged 3–6) and to 864 in 1885. In the following decades, there was not much progress, since in 1908 the percentage of children attending public and infant schools remained at 24% (Colmenar Orzaes 1999: 132, 138 f.).

Anticlericalism grew in the 1880s, and the foundation of secular schools (escuelas laicas), primary schools without religious instruction, but emphasis on learning positive sciences, hygiene, morality and good manners was seen as a measure to counteract the domination of the Catholic church in the area of education (de la Cueva 2003: 191). However, these were private initiatives, since the state did not support them. At the same time, religious orders redoubled their efforts to establish their own schools. The clerical workforce was an important factor; Boyd reports that in 1904, 294 male religious communities and 910 female communities were teaching order (Boyd 1997: 22); the number of religious schools increased parallel to the heated dispute between clerical and anticlerical forces. This was a period of competition; as a Catholic teachers' manual states: “Children have become the most valued prize in a preliminary combat between the Catholic and the a-Catholic or lay school” (Guia del maestro, quoted by Boyd 1997: 22). In 1880 Spain had 468 private and 347 public infant schools (Colmenar Orzaes 1999: 138).

While competition and conflict had some impact at the local level, at the national level preschools and the educational idea lost support. After 1882, a period of stagnation and even decline began (Colmenar Orzaes 1999: 140; Ruiz Berrio 1998: 133). The national office for preschools, the Patronato, was suppressed in 1884, re-established in 1887 and permanently suppressed in 1889. Training courses for preschool teachers were closed down (Colmenar Orzaes 1999: 139). We witness a process of deprofessionalisation, and the na-
tional preschool committee established by the ministry, the Patronato, composed of experts, was replaced by a Ladies’ Commission, consisting of members of the aristocracy, and downgraded to a level of charity and welfare activities (Colmenar Orzaes 1999: 140).

Scarc economic resources and poor quality and conditions of elementary schools were an ongoing problem in the second half of the 19th century in Spain. At the end of the century, adult illiteracy amounted to 55–60 %, similar to southern and eastern Europe, while it had been virtually eliminated in England, Germany and France (Boyd 1997: 8). In 1930, one third of the population was still illiterate (McNair 1984). Teachers were badly paid and scarce; in the late 19th century the teacher: pupil ratio was estimated at 1: 154 (Boyd 1997: 9). Therefore, many teachers appointed to schools were not qualified (in 1880, only 16 % of teachers had a university or higher degree, Boyd 1997: 11). To fill the gaps, members of Catholic teaching orders and nuns were even hired by state schools.

From the turn of the century to 1939

After the loss of the last Spanish colonies in 1898, Spain entered a profound crisis. At the turn of the century, the cooperation between state and church came to an end; and in 1901 the liberals returned to the secularising policies they had put aside for the last 25 years (de la Cueva 2003: 182). The first decade after the turn of the century witnessed the emergence of a new anticlericalism and which lead to riots, with attacks not only churches and convents, but also on Catholic schools. The republican parties and the anarchist movement grew; but the socialist party only joined the general secularist movement in 1909 (de la Cueva 2003: 196).

A new debate about national ‘regeneration’ emerged which included debate on the shortcomings of the educational system. Levels of illiteracy were dramatically high and only a low percentage of the young attended school (Ruiz Berrio 1998: 134). However, general reforms in the educational sector were on the agenda and a Ministry for Public Instruction was set up in 1900. The state guaranteed to pay teachers’ salaries, previously paid by the provinces and parents, and abolished school fees (Ruiz Berrio 1998: 142). A 1901 decree established free school attendance for pupils (in practice parents still had to contribute). A new curriculum was established in 1901 with a model of graded education including a preschool period, but it was more an ideal than reality (Boyd 1997: 47). This reveals the historical continuity in Spain of treating the education of younger children as an educational issue in the preschool context. Controversy flared up in 1910 when the liberal Prime Minister, Canalejas, embraced anticlerical policies and reopened the secular schools closed down by the former conservative Prime Minister. Under the liberals, in 1911 attempts were made to limit the Catholic influence on education, and a school bureaucracy was established. The anticlerical measures fired the Catholic movement in Spain and contributed to the foundation of local Catholic electoral coalitions and centres (de la Cueva 2003: 199 f.). The conflict peaked again in 1913 over the question of religious education in schools but decreased after 1913.

Boyd identifies the root problem of public education as financial; state spending on education increased in the early 20th century, but nonetheless expenditure per elementary student in 1911 was less than one-fourth of the French figure and only slightly more than one-fourth of the Italian equivalent (Boyd 1997: 46). When the state took over the full payment of teachers’ salaries, previously paid by the provinces and parents, and school fees were abolished only some larger towns with progressive city councils and religious colegios in urban areas grasped the chance to expand. In 1916–1917, only slightly more than half the school-age population was enrolled in schools (Boyd 1997: 47).

In the Second Republic a socialist government was elected in 1931, and far-reaching reforms in education were implemented between 1931 and 1934. I republic was declared a secularized state, state financing of the church was abolished, the Jesuits were suppressed and religious orders were no longer allowed to teach (de la Cueva 1993: 201; McNair 1984: 140). The Spanish Constitution of 1931 separated church and state; no state religion was recognised. Article 26 stated that religious orders were not allowed to teach, trade or take part in industry (Linz 1991: 172). The latter provision of Art. 26 of the Constitution was “particularly severe and unrealistic, considering that most schools in Spain were in the hands of the church”
(Martinez-Torrón 2005: 135). Conflicts sharpened. After an election victory the right came to power (1934–1936), and many earlier reforms were reversed. In 1936, the Popular Front won the elections and initiated reforms, but this period ended with the outbreak of the Civil War (1936–1939) followed by Franco’s victory.

The fierce conflicts over the church-state relationship continued when the Popular Front came to power in 1936. The church supported Franco’s fascists and declared the Spanish Civil War (1936–1939) a ‘crusade’ against anti-Christian non-believers.

Francoist Spain (1939–1975)

The dictatorship lasted from 1936 until Franco’s death in 1975 and re-established the dominant role of the Catholic church. Catholicism was the state religion, school was a religious institution and education the responsibility of the church, supported by the state. Religious education was compulsory in all educational institutions, and the church could inspect all teaching and found own schools (McNair 1984: 142). The private sector (with the Catholic church as biggest private provider) had priority in founding and building new schools with generous state subsidies. Between 1950 and 1970 the number of Church schools increased considerably. The Church pre-schools and primary school coverage of all children of the relevant age group increased from 24% in 1950 to 33% in 1970 (McNair 1984: 142). However, the expansion of preschool was very limited.

In 1945, the Primary Education Act divided education into different stages. The first was named iniciación and covered early childhood education below compulsory school age, in escuelas maternales and escuelas de párvulos. In 1970, the General Education Act maintained the voluntary character of this educational level and subdivided this stage into phases, kindergarten (jardín de la infancia) for children aged 2–3 and the escuela de párvulos for children aged 4–5 years (Sanchidrián Blanco 2009: 452 f.). The number of children attending preschools stagnated and did not go much beyond the level reached in the late 1890s. In 1966 not more than 25% of children aged 2–5 attended preschool. Among 5-year olds, in 1968, 57% were enrolled (Sanchidrián Blanco 2009, 455). During the Francoist period, the ideologies of the mother at home and pronatalism in the service of the nation were strongly defended.

Post-authoritarian Spain in 1975

Preschool expansion started after the end of Franco’s dictatorship in 1975, and it was in this period that we first witness church-state competition. The 1978 Spanish Constitution separated church and state and declared that there was no state religion, but it was less radical than the 1931 Constitution and establishes the duty of the state to “take the religious beliefs of Spanish society into account and […] maintain the consequent relations of cooperation with the Catholic church and other confessions” (Art. 16, subs. 3). This obligation to cooperate and the freedom to teach and establish educational institutions ensured the participation of the Catholic church in education which is subsidized. Linz therefore characterises the Spanish model of the separation of Church and State as “a friendly or at least non-antagonistic” arrangement similar to the German solution (Linz 1991: 174) and points to the fact that the socialists abandoned their claim to a monopoly of escuela pública única (unified schools) and agreed to provide support of private (mainly Catholic) educational centres. Private schools play an important role in Spain and are largely Catholic. Nearly one-third of children attended heavily subsidized private schools in 2003–2004 (Martínez-Torrón 2005: 141).

After Franco, a preschool policy as part of education with preschool teachers and classes as part of public schools already existed (Valiente 2009: 77). The church no longer argued that preschool education was detrimental to children or that young children should stay at home with their mothers. The church received considerable state subsidies, tax exemptions and financial support for schools and social services. Thus, it had an interest in expanding Catholic preschools besides public preschools.

Since 1975, the preschool system grew continuously, and today Spain is a leader in Europe for preschool coverage of children aged 3–6 amounting to nearly 100% of the age cohort (see Sanchidrián 1985). In the
second half of the 19th century it was already decided that infant schools were part of education and this was pursued in all different regimes. This was enforced by another institutional change in 1990. The 1990 Statute on the general organisation of the educative systemintegrated the early education of children from birth to the age of 6 as educación infantil and brought it under the competence of the Ministry of Education. In 2002 another statute divided educación infantil into two cycles, one with an educational-welfare(caracteristica de prescuela educación)(educación preescolar), and a second sphere named educación infantil for children aged 3–6 (Sanchidrián Blanco 2009: 453). It is worth noting that the term ‘preschool’ is now used in Spain for institutions referred to as ‘crèches’ in other countries where such institutions come under the welfare and social service sector, while in Spain ‘preschool’ now indicates institutions for the youngest age group in the 0–3 age range. The Law of 2002 was not applied; a new Organic Law on Education (2/2006) restored the structure established in 1990: Educación infantil, with 2 cycles from 0–3 and 3–6 years, both of an educational nature but receiving a different level of attention. One of the current problems is that the regulation of the first level of education (0–3) is entirely delegated to regional governments with no common minimum requirements at the national level. Another important measure was the gradual introduction of free educación infantil from 2004/2005 onwards with the result that parents have not paid fees since 2006/2007. This contributed to a strong increase of the (still voluntary) school enrolment of 3-year-olds. In 2006, 97.5 % of children aged 3–6 attended educación infantil in Spain, among them 100 % of those aged 5 (Sanchidrián Blanco 2009: 458). This was a 10 % increase over the previous decade. In 2017, 58.7 % of the 2-years old and 24.9 % of those below the age of 2 frequented public ECEC facilities (European Commission, EACEA, Eurydice, Eurostat 2019a: 175).

Summing up, the Spanish development of preschools is characterised by a strong path to locate early childhood education within the educational paradigm and jurisdiction. Later, competition between clerical and anticlerical societal forces advanced preschool development in the late 19th century. Despite the economic difficulties and backwardness of Spanish society, preschools covered approximately one fourth of children in around 1900, and this was—comparatively speaking—not a particularly low level; it was lower than France and Belgium, but similar to Germany and Austria. Reforms until the 1930s lead to some increase, but for preschool education this was not as pronounced as reforms in elementary schooling at the same time. Preschool education was not developed much under Franco, a period characterised by strong state–church cooperation and integration of the Catholic church as the state religion. It was only in post-authoritarian Spain after Franco’s death in 1975 that early childhood education recovered from stagnation when competition between private (Catholic) schools and state (secular) schools. Cooperation between the secularized state and the church and state financing of private (Catholic) schools guaranteed the continuation of confessional preschools and schools and whilst increasing the supply.

4.2.3 Austria

Early developments

In Austria the state had strong ties with the Catholic church. The country had two traditions: a strong Catholic orientation after the victory over the Protestants in 1620, and the culture of the ‘Pietas Austria’ alongside “strong echoes of enlightened absolutism” (Cole 2003: 286). During the reigns of Empress Maria Theresa (1740–1780) and Joseph II (1780–1790) Catholicism was transformed into a kind of state religion. ‘Josephinism’ integrated and subordinated the church as the state church and used it within its “neo-absolutistic state ideology” (Righart 1986: 43). The church was brought under stricter control, and most of the clergy became part of the Staatskirche apparatus (Cole 2003: 287). This meant that the clergy were banned from engaging beyond the narrow range of strictly religious activities (Cole 2003: 75).

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14 Ley Orgánica 1/1990 of 3 October de Ordenación General del Sistema Educativo (LOGSE).
15 The developments in the Hungarian part of the Habsburg imperium are not included here.
church was to limit itself to strictly religious tasks, services and good works, while all other competences belonged to the state. In return, the state took care of the maintenance of the clergy over whom they had supervisory rights and jurisdiction (Righart 1986: 43 f.). In this context, charity fell within the jurisdiction of the church.

Early institutions for poor children were founded by philanthropists as well as by religious organisations. The first Bewahranstalf in Vienna was set up in 1830 by Joseph Wertheimer, a Jewish merchant, and a Catholic priest, Johann Lindner. Wertheimer was impressed by English infant schools (he translated Samuel Wilderspin’s work on infant education of 1824 into German and supported his ideas in Austria); another goal was to combat the high rates of child mortality and the serious health problems of children in Vienna’s poor neighbourhoods (Berger 2004: 3). In Vienna, most Bewahranstalten were established by secular founders, while in other areas, for example, Salzburg, they were nearly all in the hands of Catholic organisations. The Catholic female order of the Ursuline sisters played an important role (Gary 1995: 27).

In 1832, state regulation of institutions for unsupervised children was introduced and established close cooperation with the Catholic church. This regulation16 conferred the supervision and control of the Bewahranstalten on Catholic administrative commissions under the guidance of the bishop (the episcopal ‘consistorium’), even where non-Catholic organisations were running the nurseries. This regulation assigned these institutions explicitly to private charity without any state financing and strictly separate from schools. No children over the age of five were admitted to Bewahranstalten, financing was exclusively by voluntary contributions, no claims for subsidies out of the elementary school sector or from another fund were permitted, and these preschool-institutions were classified as private associations or centers but never schools (Gary 1995: 34). If the institution was run by a non-confessional association, permission to set up the institution had to be granted by the episcopal commission.

In 1848, the Ministry of Public Education was set up. When freedom of association was recognized by law in 1848, this led to the foundation of a great many associations (Vereine). This was also done by Catholics, with associations devoted to charitable works, opera pie and work by Catholic women, some of them devoted to child welfare. After 1848 Catholic women’s associations founded many Bewahranstalten and later on kindergartens; the director was often a priest (Gary 1995: 28). The Associations started to have an important role in civil society, organised according to social strata and objectives. Institutions for children were mainly organised as associations (as in Germany). The events of 1848–49 led to a revolution, the flight of the Emperor, followed by a period of conservative reaction and the repression of constitutionalism and a “reactionary interregnum” (Righart 1986: 46). The Austrian state re-implemented the strong authority of the monarch and a strong alliance with the Catholic church (Cole 2003: 288). The 1855 Concordat of Franz Joseph with Pope Pius XI increased the power of the church and was directed against autonomous Catholic associations (Righart 1986: 46).

Increasing liberal influence in education: the Imperial School Act 1869 (Reichsvolksschulgesetz)

As a consequence of Austria’s 1859 defeat at Solferino by the Sardinian-French entente and a return to constitutionalism in 1861, the Austrian state suffered a financial crisis. The re-established parliament was dominated by liberals who governed from 1867 until the late 1870s (Righart 1986: 46). In 1869, the Imperial School Act removed the Catholic church from its leading role in the educational sector (Gary 1995: 37) and in 1870 Austria unilaterally retracted the Concordat (Righart 1986: 48). A kind of ‘Kulturkampf’ ensued that affected educational issues, albeit much less heated than in Germany. The bonds that tied throne and altar as an inheritance of the counter-revolution cushioned the effects of the liberal assault on the Church’s position (Righart 1986: 58).

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16 Art. 90 of the Austrian Poor Law, decree of the Studienhof-commission of February 1832; Imperial decree for Upper Austria of 26 February 1832 (Gary 1995: 34).
The influence of the church was repressed; the Imperial School Act 1869 (Reichsvolksschulgesetz) abolished its control of schools and re instituted state supervision (Righart 1986: 47). The church also lost supervision rights over kindergartens, and the liberals pushed the church out of its leading position in the kindergarten sector (Gary 1995: 37). A dual system of Bewahranstalten and kindergarten was established with clear class implications. The Bewahranstalten provided for the children of the poor “to accustom them to cleanliness, order and good morals and to instil love of labour in them” (par. 6 of the Act), while kindergartens had educational purposes. Bewahranstalten for poor children below obligatory school age could be annexed to elementary schools (sec. 10). All teachers’ colleges had to have an affiliated kindergarten for training students (pars. 27, 29, 30). In this period change towards a more educational orientation started (Gary 1995: 37).

Debate over whether to assign kindergartens to the charity sector or the educational sector continued. Since the 1870s, associations of schoolteachers demanded that kindergartens be integrated into schools. In 1870 the Austrian teachers’ assembly set up a ‘kindergarten’ section. In 1872, a Decree approved kindergartens officially and distinguished between Bewahranstalten and crèches with mainly care functions, and kindergartens with educational goals (Gary 1995: 37). The Decree promoted the orientation of kindergarten education along Fröbelian ideas. It regulated principles for the foundation, administration and organisation of kindergartens and the extension of educational objectives to all social classes (Gary 1995: 79), including a basic curriculum (Verein für Kindergärten 1887: 54 ff.). Supervision rights were transferred from the episcopal commission to the school supervisory authorities, public support for early childhood education was promoted, and a regulated training and education for kindergarten teachers was initiated. However, the Catholic conservatives managed to maintain control over education to a large extent, especially in rural areas such as the Tyrol, where they dominated the provincial school councils and provided much of the teaching personnel (priests and nuns) since the state did not pay teachers’ salaries before 1910 (Cole 2003: 294). Bewahranstalten continued alongside kindergarten, and the size of groups could be much larger, and it was not necessary to give staff pedagogical training (Scheipl 1993: 13).

After the hottest period in the ‘culture wars’ of the 1860s and 1870s, after 1874 and into the 1890s, the anticlerical liberal policy was phased out. According to Cole, the comparatively quick end of the culture war was mainly due “to the absence of a prolonged state-driven campaign against Catholics” (Cole 2003: 306). One result of the struggle was the development of two polarised socio-political milieux (Cole 2003: 291). Catholic conservatives developed a strongly anti-modernist and anti-Semitic ideology. The year 1879 witnessed an end to liberal government (1867–1878), and a conservative coalition came to power. After 1879, liberalism lost momentum in Austria and remained more present at the municipal level, but less at the state level; it split into different strands, between nationalism and more reform-oriented forces that joined either the social democrats or the christian socials (Cole 2003: 307). Education had been a central focus of the liberal movement in earlier times, but after the weakening and breakdown of the movement the liberals no longer challenged the Catholic influence on education forcefully but compromised.

From the 1880s to the end of World War I

In the 1880s and 1890s, the process of industrialisation accelerated, although with marked regional differences, triggering processes of urbanisation and migration. In Vienna living conditions for the working class were the best, and more charitable services were offered here than elsewhere (Righart 1986: 56).

The spread of associations took a new turn. The first christian social workers’ association in Vienna was founded in 1892, and since 1894 the christian social workers movement developed throughout Austria. Among the Catholic organisations were many Catholic school associations (Righart 1986: 73). Yet the upper echelons of the clergy were against the political engagement of christian social priests. In 1895, the bishops

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17 The Act is documented in Verein für Kindergärten (1887: 45).
18 Ministerial Decree of 22 June 1872, based on the Imperial School Act, and an ordinance annexed to it, see Verein für Kindergärten (1887: 47 ff.).
wrote a document that clerics should not be involved in political agitation and activities, but only in opere pie, poor relief, charity and education for children and similar activities; Righart characterizes this behaviour as the “continued effect of Josephinism” (Righart 1986: 95). The clergy was split. The christian socials drafted a manifesto that gained official support from the cardinal and Austrian Secretary of State, Rapolla (Righart 1986: 79). This manifested the split between Catholic-conservative and christian social forces, the latter being successful predominantly in industrialised areas.

In parallel there was a growing socialist movement. As a reaction, in 1884 a state of emergency was declared and socialist organisations were suppressed; this only ended in 1891 (Righart 1986: 53). In 1884, a ministerial decree transformed the Bewahrenstalten into Kindergarten. From 1885 onwards, the idea of kindergarten as a pedagogical institution gained ground. The Catholic church was pushed back; until World War I nuns disappeared from municipal welfare institutions (Gary 1995: 40). Around 1900, institutions for the education of preschool children (except crèches) came under the supervision of school authorities (Gary 1995: 70).

Regarding the development of Austrian institutions for preschool children in 1890, 1–9% of all children aged 3–6 attended Bewahrenstalten or kindergarten, displaying marked regional differences correlated to the industrialisation level (Gary 1995: 13). In 1871, about 20,000 children attended Kindergarten (Berger 2004: 3); the number rose to roughly 77,000 in kindergartens and another 74,000 in Bewahrenstalten in 1902 (Gary 1995: 75). Most institutions existed in Lower Austria (with Vienna as the capital), Bohemia, Moravia and Galicia (Fischer 1907: 161). According to Scheipl (1993:15), there were 104 kindergartens and 117Volkskindergarten (the former Kinderbewahrenstalt) in 1884/85, increasing to 292kindergartens and 316 Volkskindergarten in 1904/05 and to 548kindergarten and 244Volkskindergarten in 1912/13. Butthereis little reliable data on the numbers and proportions of children enrolled in kindergarten or infant school at the time, which makes it difficult to compare this to other countries.

19 Scheipl based his figures on Austrian statistics, but numbers vary in the literature. Unger (1900) gives data on the number of institutions in 1896/97 (237 Kinderbewahrenstalten and 20 Kindergarten in Cisleithania, see Fix 2001: 73).
From 1914, in Austria the Wartime Kindergarten Act was implemented and allowed children aged 3–6 to attend a kindergarten from 8 a.m. to 4 p.m. This shifted responsibility for kindergartens from the educational sector to the domain of social security and social welfare. Even nowadays, the Federal Ministry for Social Security and Generations defines the framework that governs maternal, infant and youth welfare, while the provinces are competent for the regulation of early childhood education.

After World War I, education once again became an issue in political struggles, not only school education, but also kindergartens. In the 1920s, the social democrats demanded a kindergarten place for every child and discussed the idea of an obligatory kindergarten year before starting school proper, while the christian socials and the Catholic church were against these demands. While Vienna was dominated by the social democrats, the early childhood institutions in the western Bundesländer of Austria (Upper Austria, Salzburg, Tirol, Vorarlberg) were largely under the control of the church (Scheipl 1993: 17). In Vienna, the governing social democrats introduced the duty to provide a kindergarten in each borough. In 1917 the city council decided that the youth office was the administrative unit competent to organise and supervise kindergarten (Gary 1995: 77 f.).

Illustration 11: Gymnastics on the kindergarten stairs

From the 1920s onwards

The reform impetus after World War I brought about innovative pedagogical approaches. Lili Roubiczek developed a concept based on the Montessori model and fused it with psychoanalytical ideas, influenced by Viennese psychoanalysts such as Anna Freud und Erik Erikson. Montessori founded the first ‘Children’s House’ in Vienna in 1921/1922 based on psychoanalytical pedagogical ideas (Berger 2004: 4), in cooperation with Anna Freud who had founded a crèche in the same building. As a Jewish socialist, she was threatened by the dramatically political situation and left Vienna in 1934; many Montessori pedagogics

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20 In 1923, the Vienna psychological institute had been founded with a department of developmental psychology focusing on development in early childhood.
collaborators followed suit in the coming years. When Nazi Germany occupied Austria in 1938, all Montessori institutions were forced to close, and psychoanalytic pedagogics were banned (Berger 2004: 5). The Austrian review on kindergarten pedagogics, founded in 1882, was outlawed and replaced by a pro-Nazi publication. Private and Catholic kindergartens were taken over by the Nazi-welfare organisation NSV.

After the end of World War II and the defeat of Nazi-fascism, the reorganisation of kindergartens was based widely on the traditional concepts developed before 1934/1938 (Berger 2004: 5). In the 1960 a new debate emerged, affected by the 1957 'Sputnik-shock', new findings about young children’s cognitive capacities and anti-authoritarian ideas. Concepts were developed emphasising education and learning, such as the framework concept "Bildung und Erziehung im Kindergarten" of 1975 (Berger 2004: 1). After 1945, the central coordinating body was a kindergarten department in the Ministry of Education. But in 1962, the competence for kindergarten regulation was decentralized and invested in the nine Austrian Länder, while the central department only retained competence for training and qualifying kindergarten teachers.

In 1960/61, less than 25 % of children attended kindergarten in Austria (23.5 % of those aged 5–6, 24.3 % of those aged 4–5 and 21.1 % of those aged 3–4; Scheipl 1993: 6) a proportion similar to the Federal Republic of Germany and much lower than the share in the Netherlands or Belgium. The proportion of children aged 3–5 attending kindergarten remained relatively low; in 1995, 70 % of this age cohort was enrolled in kindergarten institutions. This percentage slowly grew to 80 % in early 2000, reaching 88.5 % in 2009 (Kindertagesheimstatistik 2009/2010: 85). Lunch was available in about 30 % of kindergarten institutions; this number remained more or less stable from the early 1990s until the turn of the century; it climbed to over 35 % in 2003/04 and reached 44 % in 2009/2010 (Kindertagesheimstatistik 2009/2010: 37).

Another interesting and historically continuous feature of the Austrian kindergarten system that differs from other countries is that private organisations (mainly the Catholic church) play a minor role as kindergarten providers in relation to the public sector (mainly municipalities). In 1896/7, 40 % of kindergartens were in the hands of public agencies, while 25 % were run by humanitarian associations, 8.5 % by religious orders or the church and 25.6 % by private individuals (mainly aristocratic philanthropists and factory owners who had set up factory kindergartens) (Fix 2001: 73). The 40 % share of public agencies is higher than in Prussia (5 % in 1912/13) where 59.3 % were in the hands of confessional agencies (Fix 2001). The dominance of public agencies also increased later; the percentage grew from 61.1 % in 1958 up to 74.3 % in 1999, while the Catholic kindergarten institutions fell from 30 % to 15.5 % in the same period (less than 1 % are Protestant in Austria) (Fix 2001: 74). This may support the argument that there was only limited competition between the state and the Catholic church in this area.

The latest turn—obligatory kindergarten for the last preschool-year since 2010

Austria’s conservative childcare policy (Leitner 2010) took an interesting turn in 2009 with an obligation to attend the last kindergarten year before school for at least 16 hours, 4 days a week, for children aged 5–6. Thus, the last kindergarten year before school is now fee-free and compulsory for a half-day, 4 days a week. Since the 9 Bundesländer have jurisdiction for kindergarten regulation, a uniform national approach had to be based on a federal contract between the federal state and the Bundesländer to enact the same law. It was implemented by the Länder in September 2010. This reform was prompted by the gaps of knowledge of children when starting elementary school, especially the language skills of children from a migrant background. It is a remarkable shift of the former approach, since it is now no longer voluntary but obligatory and non-participation can be sanctioned with a fine. This resembles compulsory schooling and a reduction of school-age, but the institution children must attend is the kindergarten, which is separate from school.
4.3 Two laggards: Germany and England

4.3.1 Germany

In the early 1840s, two different types of childcare institutions had developed: institutions run on confessional lines and by philanthropic associations for the uncared for children of the poor (Kleinkinderschulen and Bewahranstalten), many of them founded in the 1830s, and Kindergarten based on Fröbel’s pedagogical ideas, initiating in 1837 (Reyer 1987a). While the former were directed towards the children from the lower social strata and run along confessional lines, Kindergartens were open for children of all classes and religious affiliation and were coeducational—although it was mainly attended by children from middle-class families who could afford to pay the fees, and where the shorter time-schedule did not cover the needs of parents working long hours in industry or agriculture. The idea of kindergarten was supported by liberals and democrats in the 1848/49 revolution as well as by dissenting religious groups, feminists and liberal teachers’ organisations (Allen 2006: 175). Democratic teacher associations demanded that kindergartens should become the lower grade of elementary school education and tried to establish this educational principle in the proceedings of the 1848 Frankfurt National Assembly, but without success (Heiland 1982; Baader 2009). The dominating conservative forces and the churches opposed the idea, while some so-called ‘free religious groups’ supported it. Fröbel kindergartens were banned by the Prussian state (others followed, but not all) from 1851 to 1860, which argued that the kindergarten as part of Fröbel’s socialist ideas, would expose children to atheist ideas (Müller 1989: 76). After the failed democratic revolution in 1848, many progressive democrats were exiled from Germany, including various kindergarten supporters. Thereafter, Fröbel’s ideas had more success in countries such as the United States or Switzerland than in Germany (the pedagogical ideas of Maria Montessori met with a similar fate in Italy 50 years later).

By the 1860s education had become a highly contested issue in the ‘culture war’ between secular and Catholic forces in some states (Bavaria and Baden). After German unification in 1871 the struggle between the national state, dominated by protestant Prussia, and the Catholic church continued until the late 1880s. Germany was a multi-religious country with a strong Catholic minority; in some of the southern states Catholics formed the majority. The abolition of Church supervision of schools and the abolition of separate Catholic and Protestant schools and their replacement by Christian schools for both denominations were central issues pursued by anticlerical and liberal forces in a virulent battle lasting decades. Since education came within the jurisdiction of the states, not the federation, the Schulkampf arenas were decentralised. Struggles over confessional schools and the introduction of Christian schools for both Protestants and Catholics as well as the question of teaching religion in schools as mandatory or only on the demand of parents continued over decades, often without clear-cut results due to changing political majorities or to compromises. In the 1870s and the 1880s, the Catholic political party founded in 1870 (Zentrumspartei) gained support and votes, and conservative protestant forces turned on some of Bismarck’s liberal policy reforms, such as mandatory civil marriage and state school-supervision.

The Kulturkampf lost momentum when the new Pope Leo XIII (1878–1903) sought the cooperation of the national states, and when the politics of the German Empire shifted from liberalist principles towards protectionist imperatives which were supported by the Catholic Zentrum party. Bismarck also needed the support of conservative forces to secure a majority for the law banning social democratic organisations

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21 Lange (2010) reports that there was no repression in Bavaria, where confessional Kleinkinderschulen and Bewahranstalten coexisted alongside Fröbel Kindergarten, but kindergartens were in a minority (20 % of all institutions in 1884/85, 9 % in 1909/10 (Lange 2010: 23).

22 In the USA kindergarten had been established successfully as the lowest grade of elementary school by 1914 in nearly all urban areas (Allen 2006; Cuban 1992); this success—albeit partial, since it is only for a limited age-group—is often overlooked in research focusing on the shortcomings of US childcare.

23 In 1872, Prussia abolished Church supervision of schools and introduced State school inspectors. Further national state measures were the introduction of civil marriage in 1874, the suppression of the Jesuits in 1871, the abolition of financial state support for churches in 1874. These measures fuelled the Kulturkampf.
(Sozialistengesetze) of 1878. In the 1880s the culture war was mainly settled, and diplomatic relations between the German state and the Vatican were re-established. Cooperation on some issues between conservative liberals and the Zentrum party emerged, with a view to isolate the socialist movement. Compromise between liberal and Catholic forces won over competition, and some common positions shared by the Catholic and Protestant church against liberal political demands emerged.

Illustration 12: Breakfast in a Kindergarten

Meanwhile school struggles at the decentralised level of the German Länder proceeded, but childcare and kindergarten institutions were treated as issues separated from education and schooling. They were left to private initiatives and charity; state regulation was designed to supervise the setting up and staffing by the Ministry of Education within the framework of private school supervision (Müller 1989: 38). The Länder did not provide financial support to either confessional Kinderschulen or non-confessional kindergartens. Despite the demands of Fröbel pedagogues, progressive teachers’ associations, socialist and feminist political forces to integrate kindergarten into the educational system, it continued to be organised on separate lines and without state subsidies. Throughout the 19th century the organising bodies of kindergarten were almost all private religious charity or philanthropic organisations with only a minimal portion of about 5% of institutions run by public bodies (Reyer 1987b: 41).

Financially, the private associations (Vereine) organising kindergartens depended on the financial contributions of their members, on interests drawn from their assets or trusts, donations, communal subsidies, and parental fees (Erning 1987c: 82). The state backed out of financial contributions; in the late 19th century there was virtually no state financing of kindergarten running costs (Erning 1987c: 87).

Initiatives, especially by the Fröbel Trust, wanted kindergartens recognised as part of the educational system as a pre-grade of elementary schools, but this was rejected by the state for financial reasons (Erning 1987c: 87). From the 19th century until World War I, kindergartens remained firmly within the sphere of religious charity and philanthropy. It was a cheap solution for the state and public authorities which did not subsidise but exercised political control and supervision. Limited public support and interest meant

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24 In 1912/1993, 59% of organising bodies in Prussia were confessional associations, 22.6% free associations or trusts, only 4.7% were founded by local communities and 0.3% by the state (Reyer 1987b: 42).

25 The limited data on finances of kindergartens for 47 German city municipalities indicates that only one third of kindergartens received municipal subsidies on a very low level (Erning 1987c: 88). An exception was Munich which in 1907 took over all private kindergartens and stepped in as financing and organising body.
that the growth of kindergartens was very modest. In around 1910, kindergartens were attended by 13 % of children aged 3–5 (Erning 1987b: 30); a figure considerably below that in Belgium, France, the Netherlands or Italy. The average coverage rate in Germany masks marked regional variations: in the Catholic South, in Alsace and Baden, over 30 % of children aged 3–6 attended kindergarten, followed by 23 % in Württemberg, and only 11 % in the Prussian North (Erning 1987b: 30). Müller (1989: 169) refers to a “founding boom” of Catholic institutions from 1880/85 until the 1920s. The ratio of children to educators differed sharply; confessional infant schools had large groups of lower-class children (80 children a class was not unusual), while kindergarten for middle-class children had much smaller groups (Erning 1987b: 32).
Kindergarten in the Weimar Republic

The collapse of the German Empire and the foundation of the Republic after World War I meant a new round in the struggle between secular and clerical forces, catholic, liberal, social democratic and communist parties. One of the liberal and left-wing forces' demands was finally settled in the Weimar Constitution (1919): church supervision of the educational sector was substituted by state supervision and state school inspectorates (Weimar Constitution, Art 144; Länder legislation). Another controversial issue was the question of confessional schools, had been settled in an ambiguous compromise in Art. 146 of the Weimar Constitution that left more unanswered questions than it solved and led to sustained quarrels throughout the Weimar Republic (Herrlitz 1993; Gordon 1980).

Parties in the first Weimar governing coalition (social democrats, liberal German democrats and Catholic Zentrum party) were split over the school issue. The social democrats demanded a totally secular school as a comprehensive school (Einheitsschule), and the liberal GDP favoured the Christian, but non-confessional Simultanschule and the Zentrum party in favour of confessional schools. While the socialist left promoted secular education, all other forces agreed that religion should be present in schools but could not agree how (Gordon 1980: 54). Besides education, there were fierce debates over the concept and regulation of the family when drafting the Weimar Constitution, especially between Catholic and social democratic positions (Heinemann 2004), which formed the two most prominent milieus in the 1920s. These cleavages left little room for compromise; they imprinted debates about the institutionalisation of kindergarten and its guiding principles in the early 1920s.

Two major milestones mark the institutionalisation of kindergarten. First the recommendations of the national School Conference 1920, a meeting convened by the Ministry of the Interior with representatives of different administrative bodies and associations which had the task to develop guidelines on school and kindergarten development. Second, the enactment of the 1922 National Youth Welfare Act. Although the national school conference 1920 was constituted by representatives not of political parties, but of administrative bodies and organisations, the positions are typical for the clashes and conflicts of the time. In the sub-committee on kindergarten, the positions of the representatives (with diverging party affiliation) clashed. Church-related confessional associations formed the majority and insisted that kindergarten as an institution for children in need was a matter of private charity and priority had to be granted to confessional and other private associations. The social democrats rejected confessional kindergarten completely and demanded a secular institution run by municipalities for all children and that should be integrated into a comprehensive and secular educational system run by the state, while confessional kindergarten should be secularised after an intermediary period. The Fröbel Association took a mediating stance and suggested that municipalities be obliged to provide kindergarten in case of uncovered demand, while the kindergarten run by private associations should be accepted as a substitute where they provided sufficient coverage (Grossmann 1987: 38). The social democratic position was in the minority. The majority proposed to continue to institutionalise kindergarten as a welfare institution under state supervision.

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26 In 1931, only 0.6 % of schools were secular, 16 % were non-denominational Christian schools, confessional schools accounted for over 80 % (Gordon 1980: 54).
Social hygiene, public health and child welfare

Child welfare and the promotion of health and social hygiene for mothers and children was a field where consensus and compromise was easier to achieve than in educational matters. In the years prior to World War I, public concern about high infant mortality rates, public health and population development grew, and social hygiene became a dominant issue legitimised by medical and population policy experts. This shift to child welfare as a public issue was accompanied by the development of special departments in municipalities at the local level concerned with these issues; a ‘youth office’ and a ‘health office’ were introduced in some larger cities and acted as agents of social control for child welfare. The former controversy over infant schools or kindergartens, as either residual care for neglected children or education for all children, and the dominant assignment of these tasks to private charitable and philanthropic bodies without state subsidies and only marginal involvement of municipalities started to overlap with discourses on child welfare as a state social responsibility, with the idea of social hygiene in the interest of public health as the highest priority and a strong medical policing and control focus (Müller 1989: 333).

During World War I, infant schools and ‘war kindergartens’ were developed in a coordinated action between state authorities and a national commission for the welfare of infants (including leading representatives of confessional and non-confessional associations which provided childcare and infant schools, also involving medical authorities and female directors of schools educating kindergarten teachers and social workers; see Müller 1989: 533). This led to an informal nationalisation of child welfare as part of the mobilisation of all forces in the war effort (Budde 1999: 58). It was a way to prepare the next stage in the postwar period when the first law on child welfare was enacted.

Art. 119 of the 1919 Weimar Constitution sets out the protection of motherhood, the family and marriage, based on equal rights of both sexes. The Constitution also stipulates the state’s duty to protect children born outside marriage, together with new social rights such as those for large families to compensatory state welfare and the state obligation to create public institutions of youth protection (Art. 122). Some of the old demands of the failed democratic revolution in 1848, could not be settled (such as the complete
New forms of collective childcare in the late 18th and to the mid-19th century

In 1922 the National Youth Welfare Act was passed and came into force in 1924. Kindergarten and after-school care for school-age children were regulated as a matter of public welfare under the auspices of the youth office as part of the municipal welfare authorities, and not as public education under the auspices of school boards (Franke-Meyer 2011). The priority of private associations—mainly Protestant and Catholic—to provide these institutions was enshrined by law. Public kindergartens organised by municipalities was only foreseen as a last resort if private associations were unable to satisfy the demand; this peculiar understanding of the subsidiarity principle was institutionalised and does not set any particular incentive for competition between confessional and public institutions (in contrast to the Belgian case). This particular subsidiarity principle institutionalises the priority of private welfare organisations, especially confessional ones. These took precedence over public provision by municipalities thus establishing the ‘dual’ path of service provision in Germany and contributed to the strong position of national umbrella associations of private welfare as primary service providers, currently integrated into the German welfare state (Bahle 2007: 208). The national umbrella associations of private welfare provision were transformed into large bureaucracies and started to form an oligopoly dominating the provision of kindergartens and services (Bahle 2007: 62).

However, between the introduction of the Youth Welfare Act in 1922 and its entry into force in 1924, the crisis in state finances led to a downgrading of the obligation of public bodies to provide such services. A decree transformed this into a “voluntary obligation” which meant that municipalities were not obliged to subsidise these services. Despite this levelling-down of the municipality obligation to organise childcare institutions, municipal involvement actually increased during the 1920s. This was when municipalities started to play a more important role in subsidizing or even running kindergartens, as a reaction to the crumbling financial assets of kindergarten associations which were sharply hit by inflation.

During the Nazi period, the basic structure was left intact, but kindergarten institutions were often occupied by the Nazi welfare organisation and organised according to fascist and racist principles (Reyer 1987a: 77 ff.), while Catholic and Protestant associations could continue to run about two-thirds of their kindergartens (Reyer 1987a: 79), but were continuously threatened by the Nazi welfare organisation to take over local confessional kindergartens. Additional institutions were set up by the Nazi welfare organisation, such as seasonal ‘harvest kindergarten’ in rural areas, competing with the family for the care of children and later supporting the demand for female labour in wartime. In 1940, the percentage of children aged 3–6 that attended kindergarten had increased from 13 % in 1930 to 31 % in 1940 (Hagemann 2006: 232). This dropped after the end of World War II, but never reverted to the low level of the early 1930s.

After the postwar partition of Germany, the development in East and West Germany took two diverging paths. In the German Democratic Republic (GDR) kindergartens were integrated into the educational system and provided by the municipal administration and state enterprises. This served to educate a ‘socialist personality’ and to free mothers for labour-market participation, especially given the labour shortages in the 1950s (Neunter Jugendbericht 1994: 507–516). This led to nearly 100 % of preschool children attending full-time kindergarten long before German reunification and influenced the current ‘split culture’ of early childhood education in the Eastern and Western parts of reunified Germany.

In the Federal Republic, the old path remained intact. Federalism became an additional hurdle to building a system of public childcare (Scheiwe 2009). Within the federal structure, social welfare was and is a legislative competence of the federation, whereas the Länder had and have legislative competence in education. However, the municipalities are obliged to organise and to finance childcare institutions, and since they are seriously under-financed, they took little initiative to extend public childcare to all children and claimed that the federal state should provide financing if they were obliged to extend the offer of kindergarten places. Yet, by redefining the task as education—which would have made the Länder exclusively competent to regulate the issue—was problematic too, because the federation had already defined public childcare a matter of social welfare since 1922. This situation was exacerbated by discussions between the federation and the states about who paid what. The result was a very slow development of the supply of
New forms of collective childcare in the late 18th and to the mid-19th century

kindergarten places. The deadlock was only resolved in the early 1990s, as an indirect result of German reunification. After reunification, the laws of the two Germanies had to be harmonised. In all matters political and economic this was simply done by imposing the law of the Federal Republic on the former German Democratic Republic (Konrad 2015). At this point a new abortion law was deemed necessary as a compromise between the more liberal East German regulation and the stricter West German rules. This took the form of an interparty agreement initiated by women’s organisations and made law by Parliament. However, this was declared unconstitutional by the Constitutional Court, because it was deemed a violation of the right to life of the unborn child. The Court judged that a liberalisation of abortion law was only constitutionally acceptable if the state were to make renewed efforts to support mothers (in order as an alternative to abortion). To comply with this condition, the legislator introduced a right for every 3-year-old child to a half-day place in kindergarten to be fully enforced from 1996. It took time for the necessary infrastructure to be in place, but in the meantime well over 90% of children in the relevant age group were attending kindergarten. However, these developments lacked clear policy goals. The provision of half-day services clearly did not create the conditions for reconciling childcare with paid work. Yet at the same time there was no clear educational paradigm for a long time; it changed when concerns over German pupils’ mediocre results in international learning tests prompted a debate on preschool learning. In the last decade legal measures have been taken to improve the provision for the under-3s, creating a right to a place in childcare from 2013 onwards, and in order to comply with the EU-Barcelona targets in 2010, leading to a fundamental paradigm shift in German early childhood and family policies (Klinkhammer and Riedel 2018; Leitner 2010; Oliver and Mätzke 2014; Plantenga et al. 2008; European Commission 2013, European Commission, EACEA, Eurydice, Eurostat 2019a).

4.3.2 England

England was the pioneer of industrial development and one of the wealthiest countries in the world until World War I. By 1900, England and Germany, together with Belgium and the United States, were the richest countries in the world. Since the need for public childcare is connected to a mode of production in which the locus of production and family life are separated and since financing public childcare is costly, we might have expected England to be among the pioneers of public childcare. But this was not the case, and until recently it has lagged behind many other European countries. In England the Anglican church was the state church, so there was hardly any competition between church and state due to this form of integration and compromise.

In Britain, infant schools had been provided for young children aged 2–7 since the 1820s. The first infant school was opened in 1816 by Robert Owen, a manufacturer and utopian socialist, in his model industrial community in New Lanark, Scotland (Luc 2015: 35 ff., Nawrotzki 2005). He banned work for children under the age of 10 in his factories and provided play-oriented education for the children of his female millworkers (Nawrotzki 2015: 152). Owen’s model inspired reformers everywhere. In 1837, about 150 infant schools in England taught morals, religion, reading, writing and arithmetic to poor children from 18 months to the age of 6–7 (Nawrotzki 2015: 152).

One particular feature is the early age of compulsory schooling, starting at 5 as per the 1870 Education Act (Brehony 2000). Since 1870, local authorities in England could make schooling compulsory from age 5 within the state-funded elementary schooling system. Besides the existing church-founded, but state-funded charitable schools, the state provided its own compulsory schooling for young children aged 5–6 in ‘infant classes’. For younger children, existing infant schools continued with ‘baby-classes’. The
result was that in England about 43% of children aged 3–5 attended infant schools in 1900 (Palmer 2013; Nawrotzki 2015: 153). ECE for those aged 5–7 was thus firmly established within the school system as an integral part of compulsory schooling. For the under-5s, there was either private provision or infant schools and ‘free kindergartens’, especially since the 1880s under the influence of socialist ideas and theories on education for ‘slum children’ and the children of the poor. Attendance fell to 23% of children aged 3–5 in 1910 in reaction to bad school conditions (Brehony 2000: 79). Reports and female school inspectors criticized the conditions in schools harshly (very large groups, inadequate and unhealthy conditions, focusing on moral and rigid formal instruction) (Nawrotzki 2015: 154 f). Later, nursery schools were recommended alongside elementary schooling for the under-5s, and pedagogical reforms recommended by experts promoted child welfare with a focus on health and hygiene issues for poor and working-class children (Nawrotzki 2015: 155).

After World War I the power to provide nursery schools for children aged 3–4 years, apart from elementary schools or nursery classes, as part of state-sector elementary schools, was granted to local authorities as per the 1918 Fisher Education Act. These schools were entitled to state funding on the condition that they provided education for children living in poverty and submitted to government inspection (Nawrotzki 2015: 156). Under the Act, the former free kindergartens became ‘nursery schools’ and received support from local authorities, combining “education and social welfare in a socialist inspired way” (Nawrotzki 2007: 232), but they were not very successful (Brehony 2000: 80). English nursery schools did not expand in the 1920s and 1930s and were hit by retrenchment policies and tax cuts in the 1920s. But in the late 1930s, World War II led to an extension of the ‘war nurseries’, also to help employed mothers, caring for children up to 12 hours a day (Nawrotzki 2015: 162). The 1944 Education Act called on local authorities to open nursery schools as a universal service for the under-5s.

For a long time children under 5 had been neglected by public policies, and even the provision of the 1944 Act which required local authorities to provide nursery schools and nursery education for the under-5s was scarcely implemented until the 1960s (Brehony and Nawrotzki 2011: 241). After 1945, children aged 5 usually attended infant school or infant classes in state-sector primary schools, while only disadvantaged younger children aged 3–4 had access to nursery classes or schools (Brehony and Nawrotzki 2011: 162). Most wartime emergency nursery schools were closed. In 1960 the Ministry of Education forbid local authorities to expand nursery school provision (Nawrotzki 2005). As a result, in the 1970s English state nursery schools and school-based nursery classes covered only 27% of children aged 3–4. The subsidiarity principle has been further strengthened by the dominant neo-liberal ideology; currently, most ECE is provided by private non-profit and for-profit entities (Lloyd and Penn 2014). This pattern was only broken under the Blair government, which introduced both guaranteed access—albeit on a part-time basis—for children aged 3–4 to nursery education in schools (compulsory school age is 5) and a system of subsidies to facilitate the use of public childcare for younger children (Lewis 2003). These innovations were defended by a mix of arguments referring to both the educational paradigm and the compatibility paradigm. On the one hand, New Labour’s policy of getting all adults, including single parents, into paid employment required a vast extension of public childcare facilities. On the other hand, one of the leading ideas of Blairism was that morality and social values must be strengthened, and nursery schools were one way of attaining this goal. As a result of these reforms, the proportion of children in public childcare rose steeply. The reforms have, however, not led to a breakdown of the marked class structure of childcare in England: a split between those who send their children to public institutions and those who can, with the support of tax subsidies, afford to use private initiatives, persists.

The most striking thing about childcare in England is that it has always been organised along much more rigid class lines than in the other countries examined here (Brehony and Nawrotzki 2011; Penn 2009; Randall 2000). Until the advent of New Labour in the 1990s, public childcare was more or less part of the fight against poverty. The male breadwinner model—which presupposes that the wage of the husband-worker is enough to maintain a family—became established earlier and more firmly than in other

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30 The references to class here are based on Bahle (2009), Penn (2009) and Vincent (2006).
European countries (Bahle 2009). In terms of childcare, a kind of a three-tiered class structure emerged: the wealthy had their private arrangements (nannies, governesses, private kindergartens and schools, boarding schools); the male worker in full-time, regular employment had his wife; and public childcare catered to the poorer segment of the working class, kept children off the street and educating them for a future society. Although public childcare had already been part of the school system since the 19th century (Penn 2009), as in France and Belgium, it did not generate universalism. Here we have a rare case in which public childcare was administered by the educational authorities yet remained a social service for the residual category of children at risk of neglect without the state provision of social service. Reforms and the shift in family policy that took place under New Labour after 1979 (Daly 2010; Evers, Lewis and Riedel 2005; Loyd and Penn 2014; Moss 2014; Wincott 2006) extended entitlements to ECE but did not lead to a fundamental shift in policy path. The government programme entitled children aged 2–4 as well as disadvantaged children aged 2 years to 570 hours free ECE (usually 15 hours per week) from market providers. However, in the long run this would be supplemented by parental payments if the price was higher than the subsidy. ECE in England is a patchwork of different forms of ECE under the hegemony of the private sector (Nawrotzki 2015: 167). Today, in England children from age 3 are entitled to 15 hours per week ECE free of charge (disadvantaged children from age 2 on), and those of working parents to 30 hours per week. Provision can be provided by a school or nursery school or by a private provider including childminders. All 4-years-old children are entitled to a full-time place of 32 hours weekly in a reception class in a publicly funded school (European Commission, EACEA, Eurydice, Eurostat 2019a:195).

4.4 Denmark and Sweden: first laggards, then third-wave pioneers from the 1960s

The Nordic countries, especially Sweden and Denmark, have a reputation of being pioneers in public childcare—but this needs to be specified over time, since they could be classified as laggards during the first and second waves of development. The Nordic countries have been considered pioneers in this field, as in many other areas of social and family policy, because they were leaders in the third wave of public childcare, the expansion of public childcare as an instrument of gender policies and the opening up of the labour market for mothers. Special policy features are that children of all ages, not only those age 3–6, but also younger and older children, are targeted, that priority was given to the children of parents who have to work, and that fees may were charged to parents who are able to pay them (as it is still the case in Finland; for a general argument on fees and inequalities in ECEC, see Sipilä 2020). But once again this is an ideal type description. To compare this ideal type with reality, let us examine developments in Denmark and Sweden, which represent two different roads of developing these policies—in some respects Denmark resembles systems belonging to the educational paradigm.

In Denmark,31 the first crèche for working-class children was set up in 1829 by philanthropists inspired by Robert Owen. The first kindergarten, inspired by Fröbel, followed in 1870. In 1900, two tracks merged: the traditional day nurseries were gradually replaced by people’s kindergartens (børnehave) that pursued the introduction of Fröbelian ideas in services for working-class children and combined care and education. In 1919, the political decision was taken to subsidise childcare. Key actors were progressive pedagogues in alliance with social democratic politicians. The main objective was preventive, to stop children from becoming criminals and from being taken away from their families (Borchorst 2002: 271). Childcare for the poor was now seen as a public responsibility; it was mainly directed towards working-class children, but facilities that received state support could accommodate a small number of children from better-off families; 50% of the costs of establishing facilities were thus subsidised, but two-thirds of the children had to be from poor families (Borchorst 2002: 271 f.)

31 When no other source is cited, data on Denmark are taken from Borchorst 2009.
In 1931, health provisions in childcare services were regulated. In 1933 two major social-pedagogical reforms occurred: the legal regulation of childcare and removing responsibility for childcare from the Ministry of Education to the newly established Ministry of Social Affairs. Later, childcare was included in the comprehensive social legislation (Socialreformen) of 1945. Subsequently, subsidies increased: the state could finance 40% of the running costs, provided that the municipalities paid 30% (Borchorst 2002: 272). In 1950, the universalist element was expanded, since facilities accommodating children from well-off families could also receive funding. From 1951, the municipalities were obliged to support the running of childcare facilities. The 1964 Child and Youth Care Act enshrined the principle of universalism; the social services provided social pedagogical measures targeted at all children, and the law stated that it was a public task to provide universal care for children. Moreover, the parliamentary decisions taken in 1919, 1945, 1951 and 1964 were unanimous.

In Denmark, public childcare has been subsidised by the state since 1919. Although well-known pedagogues were behind this reform and pedagogical arguments played a role in the public debate, the main purpose of the new law was to prevent children “at risk” from “growing up the wrong way”; namely, the children of the poor and badly integrated as well as working-class children whose mothers were in the workforce. The purpose of the law was thus to educate children rather than to facilitate female labour-market participation, yet the system was not as universalist as in other countries dealt with here: it targeted “problem cases”. The underlying idea was that the well-off and working-class families with a structure similar to that of bourgeois families were able to educate their children themselves, whereas some problem families needed the support of the state.

Public childcare provisions in Denmark remained quite marginal until the 1964 reform, which replaced the residualist principle with that of universal access. At the time the rise of female labour-market participation had only just started, mothers’ paid work outside the home was still controversial, and the basic idea of the reform was ‘social-pedagogical’, as it is called in the Nordic countries and Germany: the idea that children need forms of upbringing, cultural formation and empowerment which the nuclear family on its own is unable to provide. As a result of this reform, the supply of public childcare in Denmark exploded. This coincided with the rise in female and maternal employment, and over the following decades the two phenomena reinforced each other: public childcare enabled mothers to enter the workforce and to remain in it, and the rise of mothers’ participation in paid work put pressure on the state to expand public childcare services. In 2004, Denmark was second to Belgium and France in its provision for children aged 3–5 and the European leader in public childcare provisions for children aged 3. In 2004, nearly 70% of all Danish children under the age of 3 were in public childcare (OECD 2005). In 2017, nearly 40% of children under 2 years and 88.8% of two year olds were in public childcare, increasing to nearly 100% from three years on (European Commission, EACEA, Eurydice, Eurostat 2019a:170).

Danish municipalities guarantee access to public childcare for all children from the age of 6 months onwards. The remarkable thing about this is that the discourse legitimising this extension of the services has kept on focusing on social-pedagogical goals—although matters of gender equality have also played an important role—whereas the growth of services has been most spectacular for the lower age group. The greater part of Danish family policy consists of making public childcare available for all children of whatever age and thus enabling all adults to work for money; but the arguments given for this system of generalised coverage are more ideological and refer to children's and society’s interests in social integration etc.

Bertone argues that focusing on children in Denmark was a strategic choice, based on what women’s organisations perceived as their opportunity structures (Bertone 2003: 248) “In claiming child care, they avoided focusing on women, because it was potentially disruptive for an unspecified definition of women that represented the shared general basis for their struggles. A more specified definition of women’s needs emerged implicitly. Children’s need for good childcare services corresponded to mothers’ possibility of combining childcare with a permanent presence on the labor market.” (Bertone 2003: 247). This allowed women’s organisations to refer to the child-oriented character of childcare policies (Siim 1997; Borchorst 1998) and to what was becoming in those years, with contribution from pedagogues’ mobilisation, the fundamental basis of legitimacy of direct state intervention in providing child care services, namely, their pedagogic function. But this move also represented a solution, making it possible to avoid the conflict regarding married women working (Bertone 2003: 245).
The Swedish story is different. If we take the long view, Sweden must be considered a latecomer in the field of public childcare. Subsidised public childcare on any scale was only developed from the 1960s onwards. The ensuing expansion was strong. It was explicitly motivated by goals of gender equality and by the need to make care and paid work compatible, and it was organised in order to release these goals in the best possible way (Gunnarsson, Korpi and Nordenstam 1999). A 1985 statute guarantees the children of parents in employment or study a place in public childcare from the age of 18 months onwards. This was amended in 2002 to guarantee a restricted access right to public childcare for the children of the unemployed, the non-employed and those on parental leave; one of the reasons for this law reform was that migrants' children remained disproportionately outside the system, with severely negative effects on their social integration (Scheiwe 2009b). Nowadays, a child from age 1 on is entitled to publicly subsidised ECEC provision and, from age 3, to provision free of charge for at least 15 hours per week. In 2017, 48.6% of the one year olds and 89.2% of the two year olds were in förskola (centers for early childhood education); when adding those attending registered child minders (pedagogisk omsorg), half of the one year olds and over 90% of the two year olds frequent child care for under threes (European Commission, EACEA, Eurydice, Eurostat 2019a: 193). Figures increase for children aged three to six.

Yet the Swedish public childcare system can only be properly appreciated if seen in relation to another basic building block of Swedish family policy: parental leave. In 1974, a system of parental leave was introduced for working parents. In terms of generosity it surpasses all other European parental leave systems—which are also of a later date—and functions as an alternative to public childcare. The system currently guarantees 480 days of paid leave (generally at a rate of 80% of the former salary), which can be taken until the child reaches 8 years. It is supplemented by a right to take special leave if the child or the parent who is the main caregiver is ill. The coexistence of parental leave with an extended supply of public childcare offers parents two alternatives for reconciling paid work with childcare.33

In comparative research, the Nordic countries tend to be grouped together as leaders in public childcare provision as an instrument of care-work compatibility (Garvis et.al. 2019). However, there are glaring differences between Sweden and Denmark if we look beyond the mere statistics of childcare attendance. The development of public childcare in Sweden is the offspring of a gender policy designed specifically to reconcile women’s economic emancipation and participation in public life with the need to care for children. The coexistence of public childcare and parental leave leaves parents a choice of how to reconcile these two goals. If we look at the level of ideology, the provision of public childcare in Denmark has little to do with family or gender policies. In Denmark the legitimitation for public childcare brings the Danish model close to the French and Belgian ones. In fact, the universalism of the Danish model is in concordance with the Belgian and French approach and contrasts with targeting the children of the employed in Sweden. But on the other hand, the almost universal extension of public childcare to the very young in Denmark fits a reconciliation model much better than it does an educational paradigm. All universalist regimes, whatever their original intentions as a (sometimes unintended) by-product tend to facilitate the reconciliation of childcare with paid work. In the Danish case, however, the whole organisation of public childcare (belonging to welfare, not school administration, opening hours, professional qualifications of the staff (Borchorst 2009) appears to be devised to enable both parents to work full-time—and that is not the case in any of the systems of the preschool type already dealt with here.

33 For more information on Swedish parental leave and how it works in practice see: Bergman and Hobson 2002; Bergqvist 1999; Ellingsæter 2009; and Scheiwe 1999. On the latest developments from a comparative perspective see Mahon, Anttonen, Bergqvist, Brennan and Hobson (2012).
Most explanations presented in the scholarly literature—with the exception of those referring to church-state conflicts—fail to provide a satisfactory explanation regarding long-term developments. There is no evidence of correlations between mothers’ employment and the provision of public childcare before the 1960s and 1970s. The usual welfare-state typologies are of little help when it comes to understanding the spread of kindergartens. The same holds for family ideologies: the ideology of motherhood, of the woman who devotes herself to her children, appears to have stood in the way of the public financing of a comprehensive kindergarten system in some countries, whereas it was of little significance in others where this ideology was nevertheless dominant in all other respects.

An explanation of the differential development of kindergartens might start from the simple observation that the supply of a public provision requires the presence of resources and actors with an incentive to use resources for this specific purpose rather than for other competing purposes. The scarcer the resources, the lower the likelihood that they will be invested in kindergartens. This alone may explain why kindergarten development in the South, North and East of Europe in the 19th and early 20th centuries lagged behind some other countries. Yet it does not explain the differences within the group of the economically most advanced countries, especially not the difference between Belgium and two the renowned kindergarten laggards, England and Germany.

Given sufficient resources, kindergartens are financed if there are actors (the state or other organisations able to provide their own resources or to influence the state to finance a public provision) which have a strong enough incentive to establish kindergartens. From our comparative overview of national developments it emerges that before the 1960s by far the strongest such incentive was the struggle over hegemony between the Catholic church and anticlerical forces. This took the form of a struggle between church and state, but a struggle within the state between secularisers and advocates of the church. The pedagogical project pursued by this competition-driven kindergarten expansion was rather narrow: the main issue was not how to educate young children in the way best fitted to their needs and potential, but it was how to get a hold on the youngest minds in the nation.

We should stress that it is the competition with the Catholic church which is important here. This has little to do with religious doctrine; some Protestant churches have spread ideas at least as far removed from secular liberalism as those of the Catholic church. But at least in the West there has never been another church able to challenge the state or to successfully engage in a struggle over the control of state power. The reason being that the Catholic church—as distinct from all other churches—is a global multinational with a unified structure and its own resources, in terms of property, a large pool of cheap labour. The latter point was of great significance in the development of the kindergarten: in Catholic kindergartens, the work once done by nuns, who had to be financially cared for by the church anyway, the cost of their labour hence tended to nil, whereas all other suppliers of kindergartens had to pay their staff.

Why did similar developments not occur in other countries? The main churches in England and Scandinavia were integrated within the state and the kind of conflict possible in Catholic countries could simply not develop there. Protestant churches in religiously mixed countries such as the Netherlands and Germany lacked the means and possibly the will to compete with the state. Catholics were a minority in these countries, and their late-19th century and early 20th century struggles for emancipation did not lead to the kind of competition for clients typical of the Belgian case. With the emergence of separate schools and social services for Catholics, the latter had little incentive to encroach on the spheres dominated by the state or other religious denominations (Righart 1986). For Italy and Spain, we can surmise that their economic development would not have allowed them to finance a preschool system such as has emerged in Belgium and France. Nevertheless, in Italy and Spain there were long periods of cooperation or at least

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34 Part of this argument was developed in Willekens (2009b).
peaceful coexistence, during which the state did not actively attempt to intervene in matters which the Catholic church considered its own.

Apart from this central hypothesis regarding the importance of the competition between church and state and the role of Catholicism, three more points of explanatory significance emerge from the historical overview:

First, there is path dependency. Once kindergarten expansion starts, and once decisions are taken to publicly finance them, it is very difficult to reverse this development. The only exception is the sudden break in development in France in 1903. This was not the result of a decision to curtail kindergarten development, but the unintended by-product of a decision to make kindergartens secular.

Second, some of the data raise the intriguing question of whether or not Catholicism is in itself, i.e. independently of any competition with secular forces, in favour of preschool education. In Germany and the Netherlands, religiously mixed countries with a large Catholic minority, kindergarten attendance was from the 19th century onwards much higher in the predominantly Catholic parts of the country than in other regions. This finding is counterintuitive and it is still not clear what could explain it, but the question should be pursued.

Third, it is striking that the expansion (or stagnation) of the kindergarten, at least until the 1960s, is not easy to link to clearly defined social policies. Instead it looks as if many developments happened ‘by accident’, as by-products of power struggles and policies which in themselves had little to do with any pedagogical project.

Our conclusions are neither definitive nor exhaustive. In the introduction to Willekens, Scheiwe and Nawrotzki (2015b) on the longue durée of early childhood institutions and ideas in flux we have taken another systematic step in our research findings on the diffusion of ideas, practices and institutions of ECE over a longer historical period. It may disappoint scholars who are mainly interested in the development of pedagogical ideas and practices, but we hope it will be of interest and encourage debate on institutional change and its explanation in the field of ECE across the disciplines looking for an interdisciplinary social science, historical and legal approach to pedagogical phenomena (see Honig 2018).

35 The case of the Netherlands was not investigated in depth here, but it is special. Before World War I kindergarten attendance was higher than anywhere else but Belgium, but it then stagnated for a long time. Until recently kindergarten was only for children from age 4 upwards, and opening times were very limited. As a result, in the Netherlands kindergarten could not, from the 1960s onwards, meet the (unintended) function it served in e.g. Belgium or France of freeing mothers for the labour market. As in several other countries, there was an intensive school struggle during the second half of the 19th century. The difference with France and Belgium was that Catholicism was a minority religion (albeit strong) in the Netherlands and very strict Calvinist minority churches played a role in the struggle. After several steps between 1889 and 1917 resulted in a pacification of this Kulturkampf institutional actors’ interest in establishing preschools seems to have vanished. The only expansion of kindergartens took place in the predominantly Catholic south of the Netherlands and was driven by Catholic initiatives, but without the competitive push from anticlerical forces found in some other countries.
6 Narrowing the focus: the role of the law from the 1850s onwards and the emergence of a right to ECE

Care in early childhood has always been regulated, and states have set up legal frameworks, guidelines, organising competences and responsibilities, finances and subsidies. In this section, regulation and institutional developments are discussed from their onset in the mid-19th century up to the last decades and the emerging figure of a social right to ECE.

At present, most European countries provide for a child’s social right to ECE, although with considerable differences in factors such as the age of the child, number of hours a week, and whether or not it is provided cost-free. England is an exception, with regulation that imposes duties on local municipalities but does not grant an individual and legally enforceable claim to a child or parent. In Italy, too, there is no explicit legal entitlement, but the scuola dell’infanzia is almost universal and access is unconditional. The two basic tracks towards a child’s social right to ECE are either to grant a legal entitlement where ECE is voluntary, or to introduce compulsory ECE for one or two years before starting school proper (or to lower the age of compulsory schooling). The age threshold for a child’s claim to ECE has been lowered since the 1990s and now starts soon after birth in 6 countries (Denmark, Estonia, Germany, Finland, Norway and Sweden).

In recent years, the educational paradigm has definitely won out over the care-based orientation (with some reservations when it comes to England). Despite the differences in access conditions and implementation gaps in some countries, a child’s social right to ECE is evolving in all countries investigated here in some form—however, not always as a right to voluntary ECE, but as a mixed blessing, with strong elements of obligation and sometimes blurring the line with compulsory schooling. Rights’ rhetoric risks hiding the elements of obligation and coercion that are part of some new regulations of ECE which ends up looking very much like compulsory schooling.

6.1 Regulating early childhood education since the mid-19th century—landmark laws 1850–1990

The period from the mid-19th century onwards saw the establishment by law of the basic institutional features of ECE and was strongly influenced by "culture wars" (Clark 2009). ECE was shaped by the conflicts, competition and compromises between the state, secular forces, the churches and confessional groups which took place during the period of industrialization, nation-building and state-building (Bahle 2009; Scheiwe and Willekens 2009a; Morgan 2006). In this period, law invoked until the 1920s was mainly to organise the basic conditions of who could provide ECE and how. This phase ended in around the 1920s when basic institutional features were set and regulated by law (later in some cases, with a few countries only enacting comprehensive legislation on ECE in the 1950s and 1960s).

The table below gives an overview of landmark laws regulating ECE from around 1850 to about 1990 and the different steps of legal regulation, occurring at different points in time in various countries. It shows in brief the process of institutionalization that may affect path-dependency of later developments.
Table 3: Landmark laws regulating ECE in selected European countries, 1850–1990

<table>
<thead>
<tr>
<th>Country</th>
<th>Year*</th>
<th>Landmark laws on ECE and main contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>1861</td>
<td>Imperial School Act abolished church control of schools and kindergartens; dual system of ECE established</td>
</tr>
<tr>
<td>Belgium</td>
<td>1842</td>
<td>Law on public education obliged municipalities to establish elementary schools and introduced public subsidies for preschool</td>
</tr>
<tr>
<td></td>
<td>1879</td>
<td>Law enacted under a liberal government reduced subsidies to Catholic school</td>
</tr>
<tr>
<td></td>
<td>1884</td>
<td>Gradual reintroduction of subsidies for Catholic preschools</td>
</tr>
<tr>
<td>Denmark</td>
<td>1919</td>
<td>Public subsidies for kindergartens conditional on two-thirds of the children coming from low-income families</td>
</tr>
<tr>
<td></td>
<td>1964</td>
<td>Universal provision and financing (independent of children's family background)</td>
</tr>
<tr>
<td>England</td>
<td>1870</td>
<td>Introduction of compulsory schooling from age 5</td>
</tr>
<tr>
<td></td>
<td>1918</td>
<td>Education Act, local authorities empowered to provide nursery school with some national subsidies</td>
</tr>
<tr>
<td></td>
<td>1944</td>
<td>Education Act, local authorities shall provide nursery schools or nursery classes (not actively implemented)</td>
</tr>
<tr>
<td>France</td>
<td>1850</td>
<td>Financing of all preschool providers, public or Catholic – for Catholic schools gradually dismantled</td>
</tr>
<tr>
<td></td>
<td>1904</td>
<td>Ban on Catholic preschools (certification requirement introduced)</td>
</tr>
<tr>
<td>Germany</td>
<td>1922</td>
<td>Imperial Youth Welfare Act assigns ECE to social welfare, establishes prerogative for private (confessional) providers, no public subsidies</td>
</tr>
<tr>
<td>Italy</td>
<td>1968</td>
<td>Law 444/1968 establishes preschools as part of educational system and introduces subsidies, also for Catholic preschools; compromise on staff training requirements recognizes Catholic teacher training alongside state examinations</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>1881</td>
<td>Act of 20 April 1881 authorizes government to set up nursery schools with the consent of the municipal council and the schools board</td>
</tr>
<tr>
<td></td>
<td>1963</td>
<td>Reform Act on preschool and elementary education requires municipalities to set up preschools (spillschouls)</td>
</tr>
<tr>
<td></td>
<td>1964</td>
<td>State participation in preschool-financing introduced</td>
</tr>
<tr>
<td></td>
<td>1974</td>
<td>Pre-school (spillschoul) compulsory from age 5</td>
</tr>
<tr>
<td>Netherlands</td>
<td>1955</td>
<td>Public financing of ECE institutions of all providers, including confessional organisations</td>
</tr>
<tr>
<td></td>
<td>1981</td>
<td>Age of compulsory schooling reduced to age 5</td>
</tr>
<tr>
<td>Norway</td>
<td>1953</td>
<td>State responsibility for ECE institutions regulated via an addition to the Child Protection Act of 1953, defined as child welfare institutions under the Social Welfare Act; 1963 subsidies introduced</td>
</tr>
<tr>
<td></td>
<td>1975</td>
<td>First legal act regulating kindergarten: Day Care Institution Act states that ECE should be available for all parents wanting it</td>
</tr>
<tr>
<td>Spain</td>
<td>1857</td>
<td>National Education Act integrates preschools and 1st grade of elementary education</td>
</tr>
<tr>
<td></td>
<td>1978</td>
<td>Spanish Constitution allows for cooperation with the church in the educational sector and enables subsidised Catholic ECE provision</td>
</tr>
<tr>
<td>Sweden</td>
<td>1944</td>
<td>Crèches renamed day care centres and brought under the supervisory authority of the National Board on Health and Welfare</td>
</tr>
<tr>
<td></td>
<td>1985</td>
<td>Goal of an ECE place for children aged 1½–6 by 1991 established</td>
</tr>
</tbody>
</table>

Source: Scheiwe 2015: 185 f.

* Year of enactment
For a brief explanation of these legal developments, see the country notes that follow (Scheiwe 2015: 178–183).

In Italy, during the liberal government following Italian unification in 1861, paid little attention to preschools, but institutions for children from destitute families generally remained in the hands of the Catholic church or philanthropic initiatives. The first national school law, the legge Casati, was then in force, but made no mention of preschools. In 1862 childcare institutions were brought together with other public welfare institutions under the auspices of the Ministry of the Interior (Hohnerlein 2009, 2015) as residual institutions of charity and social assistance. Some upgrading took place in 1923 when the scuole d’infanzia were recognised as a preparatory grade of elementary school (Di Pol 2005: 39), but this was not put into practice. The first serious regulation of ECE only took place in 1968.

In Spain, after the revolution in 1854, conflicts over education were settled in the 1857 national education law, the Moyano Law, which included regulation of preschools and confirmed the right to maintain and establish private (mainly Catholic) schools (Boyd 1997: 14). The Law took preschool education into account as a first grade of elementary education. This shows the long-standing understanding of ECE as part of public education in Spain. According to section 105 of the law, infant schools were to be established in municipalities with over 10,000 inhabitants (Colmenar Orzaes 1999: 131). This 1857 education law remained in effect into the 20th century.

In Austria, church-state ties had been very close, and ‘Josephinism’, the policies of the Austrian Emperor Joseph II in the late 18th century integrated and subordinated the church as the state church. In 1832, early state regulation assigned the supervision and control of all childcare facilities (Bewahranstalten) on Catholic administrative commissions (the episcopal ‘consistorium’). Conflicts over the supervision of education increased later on. In 1861, the 1869 Imperial School Act (Reichsvolksschulgesetz), enacted under increasing liberal influence, abolished church control of schools and Kindergärten (Righart 1986: 47). In Austria, a dual system with clear class connotations was established: Bewahranstalten for the children of the poor and Kindergärten with educational purposes for the children of middle-class families. Bewahranstalten could be annexed to elementary schools (sec. 10, Imperial School Act). Debate over the assignment of the Kindergarten to charity or the educational sector continued. In 1872, legal regulation-oriented Kindergarten education along Froebelian lines and regulated principles for the foundation, administration and organisation of Kindergärten and the extension of educational objectives to all social classes (Gary 1995: 79). In 1884, a ministerial decree demanded the transformation of the Bewahranstalten into Kindergärten. From 1885 onwards, there was an upswing in Kindergarten provision. By 1900, institutions to educate preschool children (not including crèches) came under the supervision of school authorities (Gary 1995: 70).

According to the 1842 law on public education all Belgian municipalities had to set up a primary school if no such school already existed by private initiative. The law also introduced public subsidies for preschools, making this the earliest example of substantial public financing of preschools, regardless of whether they were private or municipality-run (Depaepe et al. 1998). In 1879 a new law under a liberal government tried to reduce Catholic hegemony in the education sector by ending subsidies to private schools. After the unified Catholic forces won the 1884 elections, public subsidies for private schools were gradually reintroduced, and from the 1880s onwards there was a strong expansion of schools and kindergärten fuelled by the school struggle between Catholic and secular forces (Willekens 2009, 2015). Early regulation had strictly separated the financing, subsidies and school organisation in the preschool sector from that of other forms of public childcare; moreover, access to preschool was universal.

In France, the 1850 law favoured the expansion of Catholic education, and both Catholic and non-confessional preschools were partly subsidized. In 1876, 87% of children in salles d’asile (nursery schools) attended Catholic institutions. Changes in school law in the 1880s enacted by the radical-liberal parliamentary majority tried to reduce Catholic influence in education and to orientate it towards republican values. In 1886 a law banned clergy from teaching in municipal boys’ schools, and the law’s section on preschools renamed

36 Ley de I. P. of 9 September 1857.
37 Art. 90 of the Austrian Poor Law, Decree of the Studienhof Commission of February 1832; Imperial Decree for Upper Austria of 26 February 1832 (Gary 1995: 34).
the salles d’asile as écoles maternelles. It also completed the integration of preschools within the school system by requiring preschool teachers to have the same qualifications as primary schoolteachers (Willekens 2015; Oberhuemer 2015). A compulsory national curriculum was introduced in 1887. In 1903 another law required Catholic schools run by religious orders to hold a teaching licence, granted by state authorities. This led to a radical downward spiral in the number of children attending preschools, which dropped to less than a third of the 1901 figure by 1921 (Willekens 2015) due to the suppression of Catholic preschools. Despite this the main institutional features introduced by the abovementioned legislation continued.

Although the Netherlands is a religiously mixed country the ‘Kulturkampf’ between 1889 and 1917 had calmed down by the end of World War I. The only expansion of kindergarten supply in the 20th century occurred in the predominantly Catholic south and was driven by Catholic initiatives. Yet in the Dutch case this occurred without the competitive push from anticlerical forces found in some other countries. Legal regulation of this sector, however, only began in 1955 when public financing of ECE institutions of all providers was introduced. In 1981, the age of compulsory schooling was reduced to 5.

In Germany, a multi-religious country with a strong Catholic minority, the ‘culture war’ was mainly settled in the 1880s. Childcare institutions and Kindergärten were treated as issues separate from education and schooling and were left to private initiatives and charity, without any state funding. State regulation aimed to supervise the foundation of institutions and to supervise staffing through the ministry of education (Müller 1989: 38). After World War I, the National Youth Welfare Act of 1922, in force from 1924, defined Kindergarten and after-school care for school-age children a matter of public welfare and assigned responsibility for them to the municipalities under the overall supervision of the youth office. Public Kindergärten provided by municipalities were only planned as a last resort when private associations could not satisfy the demand sufficiently, thereby establishing a peculiar understanding of the subsidiarity principle with a strong position of national umbrella associations of private welfare as primary service providers (Bahle 2007: 208).

In England, compulsory school age has been 5 since the 1870 Education Act (Brehony 2000). ECE for children aged 5–7 was thus firmly established within the school system as part of compulsory schooling. For the under-5s, there was either private provision or infant schools and philanthropic ‘free kindergartens’, a range of options which expanded after the 1880s under the influence of socialist ideas and ideas about educating ‘slum children’ and the children of the poor. Under the 1918 Education Act, some charity-based free kindergartens became nursery schools and received support from local authorities, combining “education and social welfare in a socialist inspired way” (Nawrotzki 2007: 232), but the spread of nursery schools was limited by a range of political and economic exigencies (Brehony 2000: 80). The under-5s were neglected for a long time by public policies, and even the provisions of the 1944 Education Act which required local authorities to provide nursery schools and nursery education for the under 5s was not really implemented until the 1960s (Brehony and Nawrotzki 2011: 241). Early childhood education has always been organised along much more rigid class lines (Brehony and Nawrotzki 2011; Penn 2009; Randall 2000) than in the other countries. Although public childcare was already part of the school system since the 19th century, as in France and Belgium, it did not give rise to universalism.

In the 19th century Denmark developed a two-tier system of class-specific childcare institutions (Borchorst 2002, 2009). In 1990 preschools for working-class children and kindergarten for upper-class children merged, when ‘people’s kindergarten’ was introduced to promote Froebelian ideas to services for working-class children. In the process, the unpopular asylums were gradually replaced with people’s kindergartens. In 1919, public subsidies were introduced for people’s kindergartens in which two-thirds of the children came from low-income families (Borchorst 2009: 128). From 1919 onwards the guiding principle was residualist, and it was not until the 1940s that legislation opened the way for subsidies for facilities with children from all types of families. In 1933, the decision was taken to subsidise child care; key actors were progressive pedagogues in alliance with social Democratic politicians. Measures were directed towards working class families, but institutions that received state support could also provide some places to children from better off families. 50 % of the costs of establishing facilities could be subsidised on condition that two thirds of the children came from poor families (Borchorst 2002:272). Later, subsidies were
augmented, and in 1949 a universalist approach was taken: subsidies were granted even if more children from better-off families were accommodated. The 1964 Child Welfare Act expressed the principle to take care for all children as a public task; universality and social pedagogical objectives were central.

In Sweden, the 1842 Elementary School Statute Act marked the beginning of public education in a very homogeneous, Protestant country in which religious education and church supervision had once played an important role but whose importance had declined gradually. From the mid-19th century on, preschool and kindergarten was regarded as a matter for private and philanthropic initiatives and charity, not for the state or municipalities, and in any case it only covered a few children. Change only started 1944 when the crèches were renamed daghem (day-care centres) and the supervisory authority of the National Board on Health and Welfare was established (Swedish Ministry of Education and Science 1999: 21).

In Norway, the education-oriented kindergarten (barnehage), influenced by Friedrich Froebel’s Kindergarten ideas (Leira 2015) first appeared in the late-19th century, alongside infant schools for the children of the poor (barneasyl), in existence since 1837. In Norway there was no legal regulation until 1953 (and 1963) when the first state subsidies were introduced (OECD 1999; Leira 2015).

### 6.2 Setting the rules of the game—regulation of ECE by the end of World War I

By the end of World War I the basic institutional rules were mostly set, a period which witnessed the modernization of nation-states and other social changes, including women’s suffrage and the extension of social benefits and services. In some countries, the period of postwar recovery included an expansion of welfare-state services and the emergence of modern family policies. In the 1920s we see the first laws citing a child’s rights to education (for example, each German child had a legally enshrined right to be educated in physical, spiritual and social fitness, par. 1, Imperial Youth Welfare Act 1922) (Nowak 2001), but not understood as an individual claim. Education was still regulated in an authoritarian fashion ‘from above’, exercised either by the husband and father within the hierarchical family, or by the state in the public domain. Children were not seen as individuals with personal claims in their own right, but as persons subordinated to parental or state authority, or considered in need of protection against parental neglect and violence and against the worst excesses of industrial labour through protective labour law (Alston and Tobin 2005). There was not yet a subjective right to education in ECE. Although the period from the 1920s to the 1960s covers a broad range of time, it did not see significant institutional change or new developments, no path-breaking events or turning points. But it did include a few countries regulating ECE by law and that had formerly had no comprehensive legislation (the Netherlands in 1955, Norway in 1953, Sweden in 1944).

The perception of individual rights vis-à-vis the state and how we understand a right to education have both changed considerably over the last century. In the late 19th and most of the 20th century, ECE in most countries was not a universal provision, but a welfare measure targeted at children and families in need. From a comparative perspective, change towards universal service provision and a social right to ECE took place unevenly, with some countries acting as pioneers and others as latecomers. Today, the social rights perspective on ECE has gained ground in national and international law and social policy, and the educational paradigm has prevailed over the idea of a targeted, residual welfare-service approach. In what follows, we discuss changes in law, obligations and rights in the context of struggles for societal change in general and over hegemony in education in particular.
6.3 From the 1960s onwards—gender equality, mothers’ employment participation, children’s rights and ECE

The next phase began in around the 1960s, in a period of economic and social change. This included the expansion of the service sector, changing gender and family relations under the influence of the students’ and the women’s movements (Baader 2015; Bertone 2015), and reforms in schools and universities. It also included ideological clashes over the modernization and democratization of education, which was criticized as old-fashioned, racist and class-selective. In terms of ECE, the two different trajectories of regulation established in the first decades of the 20th century—by educational law in the school sector or by welfare law as part of welfare and social services (Scheiwe and Willekens 2009b)—continued but the pace of change towards universal access was uneven. In the countries which followed the educational model of ECE, especially Belgium and France, access to preschools was almost universal, but it was not perceived as a debate about a child’s right to education, although that right existed de facto. In countries where kindergartens were organised within the welfare sector (or social service sector, as it is now called), the social rights debate gained ground, and an understanding of social rights to welfare benefits and services as subjective claims against the state, limiting bureaucratic discretion and arbitrariness, developed since in the 1950s.

Since the 1960s, demands for the expansion of ECE provision were very much influenced by claims for gender equality and equal access to labour market participation and parental rights; children’s rights were also at stake, but did not predominate. We saw the increasing use of law to set policy goals with regard to ECE and to oblige municipalities to provide ECE for certain groups of children. This was sometimes connected with granting an individual right to a child, starting in the Nordic countries. Universality of access to ECE was achieved only gradually, with the Scandinavian countries at the vanguard of this phase (albeit long after the first-wave preschool pioneers, Belgium and France).

6.4 The development towards a social right to ECE from the late 1960s to the 1990s

The shift towards individual social rights took place mainly from the 1960s onwards. Married women and mothers were increasingly active in employed work, with many had serious problems due to insufficient childcare and public infrastructures. Social movements voiced a demand for better childcare as an essential element of gender equality. The educational system (including schools, universities, and ECE) faced massive criticism. It was accused of being old-fashioned, authoritarian and undemocratic, and not sufficiently up-to-date to comply with the demands of a changing economy and society. Social movements, such as the anti-authoritarian students’ revolt and the Kinderladen (daycare) movement (Baader 2015) as well as initiatives by progressive pedagogues and women’s movements (Lazzari 2012; Bertone 2003, 2015) called for reform of ECE forms and methods. They put their ideas into practice by promoting the idea of children’s rights and democratic parental participation in institutions. Under these circumstances pressure for a universal right to ECE consisted of a mix of claims, not just children’s rights and educational issues, but a merger of different interests and policy goals. The Nordic countries were the first to introduce packages of rights and benefits for employed parents including the expansion of childcare in the 1970s, based on a model of the ‘employed mother’ and ‘dual-earner/care-sharing parenthood’ (Leira 1992, 2010, 2015); other countries followed in the 1980s and 1990s. Socialist countries also expanded preschool and kindergarten services in that period, supporting the concept of the ‘citizen worker’.

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39 On Eastern Europe see in Hagemann, Jarausch and Allemann-Ghionda (2011) and Social Politics 2006, vol. 13 no. 2; Saxonberg 2014; Saxonberg, Hašková and Mudrák (2012); Szelewa and Polakowski (2008); on the former German
Reform of ECE institutions and law took different shapes in countries with the 'educational model' and countries using the 'residual model' since the modes of adaptation to increasing demand differed. Countries following the 'educational model' which already had substantial ECE provision (Belgium and France) did not change legal regulation much, but they did admit increasingly younger children (2½ years in Belgium and 2 in France) as did England for nursery schools. Spain, a country on the 'preschool track' since the 19th century with a low level of supply, expanded its supply considerably after the end of the Franco era in 1975 and continued to allow subsidized Catholic preschools—under state supervision—in the 1978 Spanish Constitution. Luxembourg, a country that followed the Belgian preschool model in 1881 and required municipalities to set up pre-primary schools (spillschouls) since 1963, but without much success, introduced compulsory ECE in 1974 in pre-primary schools for all children over the age of 5. Luxembourg was the first country to make ECE compulsory (one of its goals was to improve the language skills and integration of the children of migrant workers, especially from Portugal). The next country to take steps in this direction was the Netherlands in 1981, which reduced compulsory school age to 5 years as a way to reduce social inequality.

Children’s right to ECE has become more decisive since around the 1990s, at both the national and international level. This period sees an increasing engagement of international organisations such as the OECD (the Starting Strong publications on ECE since 2001), the World Bank, the EU and the Council of Europe (Mahon 2010). Although the EU has no legal competence to regulate the field of education in supranational law, policy activities using recommendations and soft law have been developed (such as the EU Council Recommendation on Childcare 92/241 EEC of 1992). International laws such as the UN Convention on the Rights of the Child 1989, where Arts. 28–29 stipulate a right to education, have gained importance in public discourse despite their weaknesses and vagueness (Eide 2001). Moreover, international documents are often used as reference points to legitimize changes in national ECE regulation.

To sum up, the period from roughly the mid-19th century to the 1920s saw intense conflict over hegemony in education and this led to the legal regulation of the basic principles of ECE in most European countries examined (except Norway, where the basic legal regulation of ECE took place in 1953 and 1975, and the Netherlands, which passed the first statute on ECE in 1955, see above). The state authority to regulate this sector against the former predominance of the churches as primary providers was established, but even so, supervision of ECE institutions sometimes remained with the church (in Austria partially until around 1900 and in Spain, despite some interludes, even up to 1975). Usually supervision was exercised by school inspectorates, but sometimes shifted to welfare authorities (in Germany to municipal youth offices since 1922/1924, in Sweden to the health and welfare authorities since 1944). The admission of churches or confessional organisations as providers of ECE was a contested issue, but they were finally admitted in all countries examined—apart from France since about 1904 and Luxembourg since the 1848 Constitution. Private providers of ECE (mainly confessional organisations) even had prerogative over public providers in Germany as of 1924.

ECE was assigned to the educational sector under the administrative competences of school authorities in some countries (Belgium, France, Luxembourg, Spain, England), while others organized it—after controversies—within the welfare sector, which affected access conditions (universal within the ‘educational model’, no fees, state-subsidized in Belgium and France; conditional access for targeted groups in the other countries). In a few countries public subsidies for ECE institutions were introduced by law very early on (Belgium in 1842, France in 1850, 1918 in England for nursery schools, Denmark in 1919), but most other countries only did this after World War II (e.g. the Netherlands in 1955, Norway in 1963, Italy in 1968). Requirements concerning the training and qualification of staff were a contested subject of laws (especially in Belgium, France and Spain) and the status of nuns and clergy as teachers was very hard-fought (Oberhume-mer 2015). The only country that banned nuns and priests outright from teaching in ECE institutions was France in the late 19th century (Belgium tried, unsuccessfully).

Table 4: Overview of landmark regulation of ECE in different European countries since the 1990s

<table>
<thead>
<tr>
<th>Country</th>
<th>Year*</th>
<th>Landmark laws on ECE and main contents after 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>2010</td>
<td>Introduction of 1-year’s compulsory kindergarten for children aged 5 (twenty hours per week)</td>
</tr>
<tr>
<td>Belgium</td>
<td>2020</td>
<td>Last year of preschool before primary education obligatory from September 2020 on</td>
</tr>
<tr>
<td>Denmark</td>
<td>2001</td>
<td>Obligation of municipalities to ensure ECEC provision for children aged 26 weeks up to the beginning of primary school</td>
</tr>
<tr>
<td>England</td>
<td>1998</td>
<td>No law, but National Childcare Strategy sets goal to guarantee access to nursery education in schools for children aged 3–4 and for children of employed parents aged 0–5 years</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>Childcare Act 2006 imposes duty on local authorities to provide free early years provision for disadvantaged children from low-income families from age 2</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>All children aged 3–4 entitled to 15 hours state-funded early education weekly; extension to disadvantaged 2 year olds by 2013 and 2014</td>
</tr>
<tr>
<td>Finland</td>
<td>1990</td>
<td>Claim of a child under 3 to daycare</td>
</tr>
<tr>
<td></td>
<td>1996</td>
<td>Claim of all children under school age to daycare</td>
</tr>
<tr>
<td></td>
<td>2018</td>
<td>Obligation of municipalities to ensure ECEC provision for all children residing in the municipality</td>
</tr>
<tr>
<td>France</td>
<td>2019</td>
<td>Preschool attendance compulsory from age 3 on since September 2019</td>
</tr>
<tr>
<td>Germany</td>
<td>1991</td>
<td>Claim of a child from age 3 to a place in kindergarten introduced (in force 2006)</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>Claim of a child from age 1 to a place in ECE introduced (in force 2013)</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>1992</td>
<td>Pre-school attendance compulsory for all children above the age of 4</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2005</td>
<td>Childcare Act</td>
</tr>
<tr>
<td>Norway</td>
<td>1995</td>
<td>Compulsory school age reduced from 7 to 6 years</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>Kindergarten Act 64/June 2005, competence for ECE removed from the Ministry of Family Affairs to the Ministry of Education and Research</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>Claim of a child from age 1 to a place in kindergarten</td>
</tr>
<tr>
<td>Spain</td>
<td>2006</td>
<td>Basic Education Law 2/2006 established ECE for children aged 0–6 years as part of the educational sector</td>
</tr>
<tr>
<td>Sweden</td>
<td>1995</td>
<td>Duty of municipalities to provide childcare for children aged 1–12</td>
</tr>
<tr>
<td></td>
<td>1998</td>
<td>School Act, no longer the law on social services, regulates ECE, the administrative competences for ECE shifted from social affairs to education; the National Agency for Education (same as for schools) set up as supervisory authority for ECE</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>Education Act reorganises ECE as part of education (förskola) for children aged 1–5</td>
</tr>
</tbody>
</table>

* Year of enactment

6.5 Changing paradigms, changing rights—looking forward towards a universal claim to ECE?

As ECEC takes centre stage in public policy, can we speak of a new stage of development of ECE institutional reform, characterised by a move towards a universal claim to ECE (Scheiwe 2015)?

At the national level, strategies to reform ECE law have to cope with regulatory frameworks and paradigms set up during earlier stages. These may impose restrictions on countries to take an approach which differs considerably from the path and basic institutional features set earlier on. However, the starting positions were different, as explained above. Countries that provided ECE in the educational sector since early on (Belgium, France, Spain, Italy since 1968, also England) face, as a matter of principal, less problems to transform the quasi universal provision into a proper subjective claim and legal right of the child, since the institutional characteristics need not fundamentally change, but we only need to extend a de facto universal provision (as in Belgium, France, Italy and Spain) into an entitlement. Countries that organised ECE within the social services for a targeted group of children as conditional or subsidiary faced different institutional obstacles.

Moving towards the 'educational model' is possible even in the more care-oriented, residual model, but there may be obstacles to overcome. For example, the 'latecomers' in the expansion of ECE with federal structures, such as Austria, Germany, Switzerland, may face obstacles due to the intricacies of multi-level governance (for Germany, see Scheiwe 2009). Moves towards a universal 'educational model' of countries with institutionalized ECE within the 'residual model' would imply changing from targeted towards universal access for all children, reducing fees, extending opening times, changing the administrative or legislative competences, establishing curricula and upgrading professional training. All these shifts took place, although not evenly across the countries examined, with one exception: the distribution of legislative competences in federal countries appears to be more resistant to change than elsewhere.

In Sweden the administrative competence for childcare institutions was shifted from the Ministry of Health and Social Affairs to the Ministry of Education and Science in 1996, and since 1998 school law (no longer the law on social services) regulates ECE. Childcare has been re-named ‘preschool activity’ (förskolan) for children aged 1–5, as regulated in the Swedish Education Act of 2011, and municipalities have an obligation to provide such facilities for children whose parents work or study. Similarly, in Norway, the competence was removed from the Ministry for Family Affairs to the Ministry of Education and Research in 2006. In Spain, ECE preschool had traditionally already been part of the educational system, but since 1990 even institutions for the youngest children (0–3) were removed from the domain of health and social services and integrated into the educational system. This makes Spain the only country where ECE institutions for all young children from birth upward are integrated into the educational sector.

Those European countries following the ‘residual model’ along the lines of subsidiarity (Austria, Germany, Switzerland) and England had comparatively low levels of ECE provision, but within this group of ‘laggards’ the most substantial change has happened since the 1990s. Austria, Germany and Switzerland have departed from their tradition and moved towards a universal offer of ECE. Germany introduced a claim to ECE for all children from age 1 onwards, in force since 2013. Austria regulated a year of compulsory kindergarten for children aged 5, in force since 2010. The starting age of compulsory school or kindergarten has been lowered in a number of countries; the lowest compulsory starting age is three years in Hungary and in France (since September 2019). The last year of pre-primary education has been made compulsory in 16 European educational systems (European Commission, EACEA, Eurydice, Eurostat 2019b: 5; Moss 2013).

40 In Austria, children are obliged to attend kindergarten for at least 16 hours a week excluding school holidays; during the last year before school entry kindergarten is free of charge (since September 2009). Regulation of kindergarten and after-school care falls within the legislative competences of the nine federal states (Bundesländer), while financing through federal subsidies is regulated in a federal contract between the Federal State and the Bundesländer (Austrian Federal Law Gazette BGBl. I Nr. 120/2011) which provides a uniform national approach to enact the same law in all states.
This path to making ECE compulsory or lowering compulsory school age (starting in the Netherlands in 1974 and Luxembourg 1981; England was unusual with compulsory school age set at 5 years back in 1870) was also chosen by other countries. In Europe ECE was already experiencing rapid change, and the pace of change accelerated in the 1990s.\textsuperscript{41} Even in England, a country traditionally reluctant to regulate ECE further, reforms were introduced through the National Childcare Strategy of 1998 and by law with the 2006 Child Care Act.\textsuperscript{42} The latter guaranteed access to nursery schools for children aged 3–4. It also imposed a duty on local authorities to secure free early years provision for all 3–4-year-olds (entitled to 15 hours state-funded early education weekly) by 2010 and for disadvantaged children from low-income families from age 2 onwards by 2013 and 2014. In the English context, ECE can be also care and childminding.

Of all children aged four or above, 95.3\% are now in ECEC in the EU-28 (European Commission, EACEA, Eurydice, Eurostat 2019a: 43). For children under 3 years, the 33\% target that childcare should be provided for 33\% of children under three years was met in thirteen EU countries (as well as in Iceland and Norway), and in 2017 the EU-28 average stood at 34.2\% (European Commission, EACEA, Eurydice, Eurostat 2019a: 64). The European Pillar of Social Rights states that children have the right to affordable early childhood education and care of good quality, and a Council Recommendation\textsuperscript{43} invites EU member states to make ECEC accessible, affordable, and inclusive.

\textsuperscript{41} In addition to the aforementioned countries, legal entitlements to, or obligations to participate in, ECE have been introduced in Bulgaria (2010), the Czech Republic (2005), Estonia (2009), Ireland (2010), Greece (2006), Cyprus (2004), Malta (2014), Austria (2010), Poland (2011) and Romania (2014) (Eurydice/Eurostat 2014: 38–42).
\textsuperscript{42} See sections 6, 7, 11 and 13 of the Childcare Act 2006, The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012 and the 2014 Statutory Guidance Early Education and Childcare of the Department for Education.

6 Narrowing the focus: the role of the law


UNICEF Innocenti Research Centre (2008), The Child Care Transition, Florence, Unicef, Innocenti Research Center.


List of sources

Illustration 1: Kindergarten in Weimar by Otto Pilz (1877)

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Illustration 4: Portrait of Friedrich Fröbel (German stamp of 1949)
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Illustration 12: Breakfast in a Kindergarten
Reference: Brendámour, R./ Flesch-Brunningen, L. (1892) Das Vesperbrot in einem Kindergarten, Illustrierte Zeitung, Bd. 2, 870, with the courtesy of Pictura Paedagogica Online

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Illustration 14: Inauguration of the new building of a nursery school nearby Karlsruhe in 1911
Reference: Kratt, W. (1911) Von der Einweihung des Neubaues der Kleinkinderschule in Friedrichthal bei Karlsruhe (Inauguration of the new building of a nursery school nearby Karlsruhe in 1911), Illustrierte Zeitung, Bd. 5, 296, with the courtesy of Pictura Paedagogica Online, http://www.bbf.dipf.de/cgi-opac/bil.pl?direct=x&f_IDN=bo082819hild (last access 06/02/2020)

Illustration 15: Luncheon in a Volksskindergarten at Berlin in 1897
This paper takes a comparative look at the development of preschools and kindergartens in Western Europe. Although preschool attendance has now become a normal part of children’s life-course over the whole of Western Europe, countries have taken different paths at varied speeds to reach this common point. Kindergarten pioneers as well as late developers are identified. Until the 1960s, the most powerful driver of preschool development was competition over pedagogical hegemony between State and Church.