Abstract

Contrary to expectations ten years of post-Communism has failed to see relations between the Catholic Church and the Czech State stabilise. At odds with other Eastern European countries, the Czech State has made least progress in formalising relations with the state or with the Vatican. While the cultural legacies of Communism - in particular a historic anti-Catholicism - suggest themselves as causal factors, I argue that the structural consequences of the ‘transition’ impact more powerfully on the present state of play.

Introduction

The status of the Catholic Church in many Eastern European countries is still uncertain. This is particularly true in the case of the Czech Republic where civil society under Communism suffered an unusual level of suppression. Although church life across Eastern Europe operated under great restrictions, in countries such as Poland and Hungary, there emerged, in the last decades of communist rule, genuine and sustained opportunity to renegotiate the boundaries of freedom of expression. However, in Czechoslovakia apart from the brief days of the Prague Spring, repression was severe until the end. Hence the post-communist question of ‘what place is religion to have in our society?’ raised its head for the first time only in 1989.

This paper describes the forging of a new modus vivendi between the Czech State and the Catholic Church and attempts to elucidate the factors responsible for the particular form it takes. Two interrelated processes are discussed: On the one hand there is the

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1 Religious affiliation in the Czech Republic; Roman Catholic 39.2, Protestant 4.6%, Orthodox 3%, Atheists - 39.8%, other 13.4% %. The World Factbook 1999. Catholic affiliation varying to 40% Statisticka Rocenka Ceske Republiky (Czech Statistical Year book). The Catholic Church is divided into two ecclesiastical provinces: The Czech Ecclesiastical Province is made up of the Archdiocese of Prague and the Dioceses of Ceske Budejovice, Litomerice, Hradec Kralove and Plzen. The Moravian Ecclesiastical Province is made up of the Archdiocese of Olomouc and the Dioceses of Brno and Ostrava-Opava. The
disentanglement of the church from the remnants of the Communist State and on the other an attempt by the church to become involved with the post-revolutionary, democratic state in new and unaccustomed ways. Within that context both the failure to fully institutionalise church independence from the state and the failure to institutionalise access to the state is noted. I examine in particular the continued reliance of religious organisations on the state budget, the obstacles to the development of legislation that could encourage new funding arrangements to emerge, the paucity of communication links between state and civil society, and the failure of the Christian Democratic Parties to serve as a medium through which the church could assert itself on political society.

**Autonomy for the church.**

“We have taken the bishops’ land, We have taken their press. I have put commissioners into every consistory. I have closed all the church schools. Now we are gradually taking away their churches. We are imprisoning priests. And now....another important measure - a new wage law for priests. We are going to discuss this further. We will decide who will get paid and under what conditions”.

The announcement in September 1949 by the General Secretary of the Czechoslovakian Communist Party Rudolph Slansky on the rules to govern church life illustrate the conditions religious organisations existed under until the collapse of Soviet power some fifty years later. The Catholic Church was not officially banned under Communism but its subjugation by the authorities was so wholly efficient as to render it virtually obsolete. Wide-ranging policies systematically stripped religious organisations of any semblance of independence. The Vatican’s nuncio was expelled in 1949. Catholics in the education system and in the workplace were discriminated against. Monasteries and convents were confiscated by the State. Approximately 15,000 members of the religious orders were sent to prisons and camps. While some priests and bishops - those considered not being a threat - were given licences to practice and put on the payroll of the State, the majority of Bishoprics remained empty and it was virtually impossible to get a place in a seminary.
The revolutionary events of 1989 brought immediate change. The introduction of religious freedom and the abandonment of ‘any type of surveillance’ over bishops and priests were among the very first measures initiated by the new post-communist Government. As a temporary measure, the Communist regime’s ‘Czechoslovak Federal Law on Churches and Religious Organisation’ was amended to give significant autonomy to religious organisations. The post of Secretary for Religious Affairs, specifically created by the communists to monitor the activities of religious organisations, was dissolved. The religious were no longer required to make an oath of allegiance to the state and the churches were given the freedom to appoint staff and to conduct services without state permission. In addition to reform at the national level, the beginnings of diplomacy with the Vatican were set in place. In June 1990 Giovanna Coppa was named as the Pope’s new envoy to Czechoslovakia and, a few months later, Frantisek Halas was made the Czechoslovak Ambassador to the Vatican.

Outstanding Issues

The Czech Constitution adopted on 16th December 1992 notes simply that ‘Democratic values constitute the foundation of the State, so that it may not be bound either by an exclusive ideology or by a particular religious faith.’ Important as the Constitution is in its refusal to privilege any particular organisation, it nevertheless offers little inspiration as to how the details of church-state relations can be enacted.

As such the Communist ‘Czechoslovak Federal Law on Churches and Religious Organisation’ continues to operate as the enabling legislation. At the time of their introduction the Amendments were regarded as a temporary measure until the codes specifying the position of the churches in Czech society and the relationship of the Czech state with the Holy See could go through Parliament. While clearly these Amendments insure the extrication of the state from the day to day operations of the church, in other important ways it leaves the communist *modus operandi* untouched. In sum the Law maintains the institutionalised economic arrangement between church and state where priests and bishops (regarded under Communism as civil servants) remain on the payroll of the state. In addition the Amendments fail to address the issue of agreements between church and state over spiritual administration in the army, the representation of the church in prison, rules for teaching in different state schools or a system for establishing and financing the role of the churches in the education and health system.

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4 The Tablet. 20th January, 1990

5 Article 2 (1) General Provisions, Chapter One, Charter of Fundamental Rights and Basic Freedoms adopted under Article 3 of the Czech Constitution as a part of the constitutional order of the Czech Republic. 16th December 1992

6 An agreement was recently made between the Catholic Church and the state specifying the church’s role in the army. Until now the churches’ work in the army proceeded through a private and temporary agreement while both church and army waited for a licence to practice. Similarly while the churches have involved themselves in education there is no code that clearly indicates their position. The KDU-CSL (Christian Democratic Union - Czechoslovakian People’s Party) have most eagerly sought clarity on the
Neither church nor state viewed this situation as one that would exist for long. The Prime Minister, Marian Calfe, spoke in Parliament of how his Government attached ‘special importance to remedying “the deformations in the relationship between state, church and believers” which had developed under the previous regime.’ Indeed Government comments on the issue were energetic to the extent that commentators were confident to note with regard to even the complex area of financing that ‘.... by the end of 1992, prior to the implementation of tax reforms in the country, the issue of economic relations between the State and the churches will be settled’. In all the atmosphere was such that Cardinal Tomasek was prompted to remark “It's something that has been a very pleasant surprise...We were afraid that this might cause a conflict but we are very pleased at this generous hand of friendship being stretched out.”

These outstanding issues were expected to be resolved via the introduction of legislation which would encourage a ‘democratic ideologically neutral State’ to engage in ‘partner-like relationships’ with churches as ‘respected, integral parts of society’. A ‘Co-operative model’ would end the present system of state funding through the creation of conditions for tax-deductible donations and/or (along Italian lines) the earmarking of taxes for church purposes which would enable religious organisations to pay from their own sources salaries of priests and bishops. Within the context of a new tax law, a revised ‘Protection of Monuments Law was envisaged that would create “a new form of co-operation of government, town halls and church, in salvaging the cultural heritage.” Thus direct support by the state would be limited to areas of mutual concern such as the restoration of religious (national) monuments.

The above proposals were regarded by the churches as all the more significant issued as they were in the context of Government promises to return to the church property confiscated in 1949. As such it appeared likely that the church would actually have enough economic resources to make autonomy a meaningful state of affairs. Marian churches role in society. In my interview with Miroslav Talir ex Minister (KDU-CSL) he explained. “We prepared such a proposal, because you have like 21 registered religions here in the Czech Republic - the question is which of them should go to teach and which of them should not. The proposal is about liberalization of the registration of religions in the Czech Republic. For example Islam is not, so this proposal should make it possible for those religions to register.” Interview with Jaroslav Talir, Ex Minister for Culture. November 1998.

7 The Tablet. 10th March 1990
8 For example the optimistic approach of Peter Martin writing in 1991 “The New Law on Freedom of Religion and the Churches”, Report on Eastern Europe, no. 36, Pg. 17, 6 September 1991,
10 The wording of a proposed bill in the pipeline since the creation of the new state - the Czech Republic in January 1993. ‘However in June the republic’s vice-premier, Ivan Kocarnik, said the bill have been shelved for failing to make clear whether church and State were to be “totally or partially separate”. Jonathan Luxmoore, Religion, State and Society, Vol. 24, No. 4, 19961996, Pg. 359.
11 Interview with Jaroslav Talir, ex-Minister of Culture, Christian Democratic Union - Czechoslovakian People’s Party. November 1998
13 Interview with Vaclav Maly, Bishop of Prague, November 1998.
Calfe’s program for Government contained a clear promise to prepare legislation that would return to the church its property and although the general restitution laws that were introduced excluded the churches, the return of property to these groups was promised and confirmed, to the satisfaction of the Christian parties.

Progress in church-state relations

Despite the optimism of the Christian parties regarding the return of church property there was from the beginning an anxiety on the part of Cardinal Vlk, leader of Roman Catholics in Czechoslovakia. Commenting on the proposals for the general restitution laws he noted that “Provisions for returning church property were removed from all draft legislation governing the restitution of property.... We have become somehow separated from the general process.”

Vlk’s concerns were well placed. In 1992 a draft bill that would have returned property to the Catholic Church failed in Parliament. Eight years on the Catholic Church remains locked in conflict with the state over the return of its property. No agreement with the Holy See has been signed and communications with the state have been marked with animosity throughout the entire period. The lack of enabling legislation that could have encouraged economic viability leaves religious organisations largely dependent on the state. The same law introduced in 1949 governing church-state relations continues to guarantee state support to the church.

At first sight this state of affairs seems unproblematic. The State does not interfere with the day to day running of the church so why should the bishops still be opposed to receiving financial support from the State? There are a number of reasons why the church is unhappy with these arrangements. In the first instance the salaries of bishops and priests are extremely low. Furthermore, where salaries to those on the payroll of the state were increased twice between the period 1997-1998, salaries to bishops - technically regarded as state employees - remained the same. Not only are wages low compared to

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15 The Communist state owned approximately 96% of real estate and property in the Czechoslavakia. Three restitution laws were introduced between October 1991 and May 1991 returning to their former owners businesses, industries, apartment buildings, houses, and land.
16 This removal of church claims in the draft legislation was recommended by Vaclav Klaus, the Federation’s Minister of Finance. Klaus announced his support for church restitutions in principle, but argued that the introduction of legislation for the return of church property should be done in conjunction with the ending of state funding to the churches.
17 Vaclav Benda, leader of the right wing Christian Democratic Party, explained “the distinction between physical persons and corporate bodies (made in the general restitution laws) had to be introduced only because some of the corporate bodies had become extinct (under communism) so there was a problem of continuity (of legal title to the property). In the case of the church the problem of continuity does not arise and the restitution laws passed so far contain certain blocking articles which make it impossible to privatise (sell to third parties) properties which the church claims as their own, so restoration of such property to the churches has clearly been envisaged.”Edras Archives. Transcript of interview with Vaclav Benda, Leader of the Christian Democratic Party. 1993.
18 The Associated Press. 19th April 1991
19 Interview with Jaroslav Talir. Ex Minister of Culture, KDU-CSL November 1998
the wages of state employees, but in comparison to funding of other registered religions, the Catholic Church has done badly. Statistics released by the Government in July 1993 showed that, relative to its size, the Catholic Church had less than half as many state supported priests and ministers as the other state supported churches.\textsuperscript{20}

In addition, the Church’s lack of funds limits the role it feels it can and should be playing and explains its desire to search for independent sources outside of the State whose contribution it regards as insufficient. Like any other interest group the church regards the mobilisation of economic resources as necessary to its ability to promote itself and to pursue its religious activities. One of these potential sources for the financing of religious activities is the church property confiscated by the communist regime. The bishops I interviewed in the course of my research keenly pursued this theme. “We would like to found schools and charity institutions...the church wants to fulfill its mission and wants to have title at least to what belongs to the church.”\textsuperscript{21} “Yes, of course the church is completely free, yet there are some problems - the economical support. Where the State pays for everyday things, such as the salaries of teachers.... If a building needs to be repaired the church is required to pay for it as a foundation. The church in these instances finds it has no sources to undertake any large reparations. In the case of restitution I could sell one hectare of forest and then would have some money I could manage the property with. I could do then my own economy.”\textsuperscript{22}

Finally, not only is restitution important because of the possibilities it creates for increasing church revenue, the fact that it would provide an independent source of income has other attractions. The very recent history where an authoritarian State’s insistence on being the sole source of finance for the church was an undisguised strategy of control has made the church wary of any arrangement where it is completely dependent on the State for funding. The church, Miloslav Fiala Stated, “	extit{wants, wishes, to be independent of the State. She wishes to function as an independent organisation}”.\textsuperscript{23} And Cardinal Vlk insisted that “they (the restitutions) are so important because, in the past, the church has learned how dangerous it is to depend on the State, on the political power.... We want to be free. \textit{So we have to find our own finances}.”\textsuperscript{24}

Conflict between church and state was further intensified by the lack of access the church had to the policy-making arena. The issue of restitution was processed entirely at the level of the state with the church having little impact on eventual outcomes. In the period of the first post communist Government a state-church commission to discuss question such as the financing of churches was envisaged, yet despite Government promises these talks never materialised.\textsuperscript{25}

\textsuperscript{20} The Tablet. 27th July, 1993

\textsuperscript{21} Interview with Bishop Hrdlicka, Bishop of Olomouc. November 1998.

\textsuperscript{22} Interview with Bishop Lobkowicz, Bishop of Ostrava. November 1998.

\textsuperscript{23} Transcript of interview with Fr. Miloslav Fiala, Spokesman of the Czech Bishops Conference. 1993. Edras Archives.

\textsuperscript{24} Edras Archives, transcript of interview with Cardinal Vlk of Prague, June 1993.

\textsuperscript{25} The Churches nominated three members to their team on the church-state commission and proceeded to wait in vain for the Government to nominate theirs. Cardinal Vlk, Bishop Duka (who at the time was Fr. Duka, the Provincial of the Czech Dominicans) and lastly Pavel Smetana the Senior of the Protestant
Almost one year into Klaus’ first period of Government the church began to make public its concerns. In a Statement they declared that it was not enough just to legalise the Churches activities. They were concerned, they said, that they had not been allowed to participate officially in a democratic decision making process, one that affected them greatly, and asked at least to be consulted before any final verdict was announced. By 1997 concern had turned to more pointed disapproval with the Cardinal publicly criticising Klaus’ Government for failing to engage in direct talks with the Church on the restitution of lands and building seized by the communists.

By the time of my interviews with Church leaders in November 1998 the situation had not improved. Bishop Maly made clear his disappointment “Unfortunately in our republic institutionally there does not exist anything which would organise those meetings of the politicians and the church hierarchy. There are individual contacts on the basis of the wish of one of those sides, but there is no structure for this meeting and that is I think a pity, because it would be good if there would exist some kind of platform where politicians would meet with the representatives of the church to discuss the matters of society. Of course it is not a matter about who is going the mighty fight, but politicians aren’t interested in understanding the voice of Bishops of Churches.” And with an air of grievance, Bishop Ljavinic, complained, “they need to talk; not the Government coming and saying this is what we are going to do but the Government should talk to - if not us - then the Vatican - an open private discussion. The Catholic Church was disregarded in these discussions.”

Explaining church - state conflict.

How can the continuing conflict between church and state over A) restitution and B) church access to the policy-making arena be explained?

A. The failure of the church to restitute its property.

In the case of the restitution of property to the Catholic Church a popular explanation, both with politicians and with bishops, is the argument that the public are against it. References to the past are offered by protagonists in the debate to explain this apparent lack of public support. Either an age-old antipathy towards Catholicism engendered under the Austro-Hungarian Empire or the more recent history of anti-church policies under Communism is invoked as the reasons why Czechs don’t like the Catholic Church.

Church. Nine years after initial government proposals a meeting eventually took place last year on the 5th of June 1999 between representatives of the churches and the new Governmental Party - The Social Democrats elected in 1998. While clearly a radical departure compared to the previous Government’s attitude it is difficult to predict how quickly the commission will be able to make progress revising the late 1940’s regulations much of which still dictates church-state relationships.

26 Source?? March 1993
27 The Tablet, 8th February 1997
28 Interview with Bishop Maly of Prague, November 1998.
29 Interview with Bishop Ljavinic, head of the Greek Catholic Church in the Czech Republic. October 1998.
Cardinal Vlk affirming the existence of such an attitude explained “…it is the heritage of the past...Communism somehow remains in us and a certain anti-clericalism is still here even after six years.” It is a view supported by all the Bishops I interviewed - opposition to restitution is caused by “the surviving spirit of communism... the property that was owned by the church on which it has full ownership rights is not given back to them. It is the inheritance of communism.”

Politicians too declare anti-Catholicism the explanatory factor. Claiming earlier roots to this sentiment Jaroslav Talir, ex-Minister of Culture from KDU-CSL told me “You know, when Czechoslovakia was founded in 1918, the slogan of this society was; we got separated from Vienna, now we have to get separated from Rome...and its lasts until today.” And Miloslav Ransdorf of the Communist Party commenting on the ex- Prime Minister’s opposition to church restitution remarked, “Klaus blocked this (restitution) for many years.... Because he is very sensible, the majority of population in Czech Republic is against the property claims of the Catholic Church.”

This argument that church restitution has failed because ‘the public’ are against it should however be regarded with care. Opinion polls carried out from 1991 show an average of 50% or less opposed to church restitution with this figure falling to 36% by 1996. How strongly those respondents who answered either yes or no to restitution actually feel about the issue is something the polls have not questioned. Evidence however of any real interest in the matter outside the rather narrow confines of the church or the parliamentary arena is difficult to find. Indeed the lack of interest in the matter has forced a number of journalists either in favour or against restitution to agree on one thing - that the controversy over the restitution of church property ‘has attracted scant public attention’ and that while ‘the case about ownership...is legally very difficult ... people are not going to talk about it in pubs (we mean voters).’

The proposed existence of a widespread anti-Catholic culture is moreover difficult to reconcile with the numbers of people who claim membership of the Church. Although

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30 Reuter News Service - Eastern Europe, 16th August 1996
31 For example, my interview with Antonin Liska, Bishop of Ceske Budejovice. November 1998.
32 Interview with Miroslav Talir, Ex-Minister of Culture, KDU-CSL. (Christian Democratic Union - Czechoslovakian People’s Party) November 1998.
33 Interview with Miloslav Ransdorf, Vice Chair of the Communist Party, October 1998.
34 Polls by the Institute of Public Opinion Research August 1991 and February 1993. A poll carried out by the Czech Newspaper Denni Telegraph concluded that almost half of the respondents thought that all or some of the Church’s property should be returned to it. Another poll in 1996, again by the Institute of Public Opinion Research (IVVM), showed that a majority of respondents were in favour of restitution. Less than half were opposed to any church restitution. 21% supported partial restitution. 17% percent favored restitutions of all post-1948 seizures and another 7 percent favored restitutions dating back to the First Republic.
36 Kauza Vik in the (generally anti-restitution) satirical journal ‘Nevidelny Pes (Underground Dog), Prokopny buben, (Broken Drum) Nevitelny Pes, 30th July 1996. See also Kauza Vik, Restitucni tecka, (Restitutional Dot), Nevitelny Pes, 19th July 1996
greatly reduced from its pre-Communist figure, today some 40% of people willingly identify themselves as Catholic.\textsuperscript{37}

Furthermore the impact of Communism on religious solidarity needs to be regarded as something of a double-edged sword. Indeed Communism could be said to have strengthened the profile of the Catholic Church because it gave the Church a much-needed opportunity to advance itself as ‘defender of the nation.’ Under the Habsburgs, forced Catholicisation proceeded hand in hand with Germanization and thus there has always been in the Czech lands a feeling that Catholicism although the majority religion is at the same time anti-national.\textsuperscript{38} During Communism a number of key Catholic dissidents played an active role in the opposition. Frantisek Tomasek, Vaclav Maly and Vaclav Benda are just some of the figures who became notable for the enormous respect they generated among believer and non believer alike allowing the reputable Radio Free Europe to remark that after 1989 ‘...the Catholic Church could draw on a deep well of goodwill among Czechs and was in a strong position to re-establish itself immediately after the fall of communism... many people expected a reconstituted church to play a significant role in both social and political life.’\textsuperscript{39}

However if church restitution has failed to ignite great passions within the public domain the reverse is true for the parliamentary arena.\textsuperscript{40} Since 1990 the issue has been the subject of heated debate among professional politicians and was one of the factors behind the collapse of the coalition Government in 1997.

Hostility on the part of politicians to the restitution of church property returns us to the ‘anti-Catholic argument’. The press Secretary of the Catholic Church Fr. Daniel Herman explained the opposition to restitution in the following way. ‘...in the heads and in the hearts of many of the men or women who are, or who were in the governments after November (‘89), there is a heritage, of this communist propaganda. They don’t know anything about church practically. They didn’t need the church anytime for themselves. They don’t know who is the church, what is the purpose of the church or why the church

\textsuperscript{38} This was played up greatly by the Communist State which used every opportunity to publicly celebrate the reformer Jan Hus martyred in 1415.
\textsuperscript{39} Steve Kettle, ‘Church-State Standoff’, Transitions, Radio Free Europe, 14th July 1995, Pg. 22
\textsuperscript{40} The fact that politicians may place far greater emphasis on an issue than the public is not of course unusual. Here Jean Cohen and Andrew Arato’s account of the elite model of democracy captures well contemporary Czech political practice. On the elite view ‘There is no pretense... that voters either set the political agenda or make political decisions; they neither generate issues nor choose policies. Rather, leaders (political parties) aggregate interests and decide which are to become politically salient. Moreover they select issues and structure public opinion’ (Pg. 5) ‘On this model societal interests cannot be represented. Neither public opinion nor raw individual interests find representation in the political system...’ (pg. 608) Jean Cohen and Andrew Arato, Civil Society and Political Theory, 1992. The model explains well the complete lack of interest the Czech public has for example in joining NATO compared to the importance the issue is given by politicians. The break-up of Czechoslovakian in December 1992 is also a case in point. The premiers of both Slovakia and Czechia (Meciar and Klaus -both enthusiasts for dissolution of the federation) refused to hold a referendum on the dissolution of the Czechoslovakian State amid clear calls for one and in the face of numerous polls showing majority preferences for an alternative solution. Oskar Krejci, Kniha O Volbach, (Book about voting) 1994, Pg. 271-272.
does exist here... they are children of their generation - they have heard in the schools only lies lies lies.”

A point elaborated on by Vaclav Maly, Bishop of Prague - “In the mind of the politicians there are prejudices and worries that the church, if materially secure, would become a powerful institution, which would compete with the political parties...but it is nonsense. Our church doesn’t wish to renew the feudal state from the past - we are living at the end of the 20th Century and the only goal of the church is to have certain financial sources but not to be again a very powerful institution which is in competition with political parties.”

Politicians too are keen to point to the attitudes of their parliamentary colleagues. In my interview with Jaroslav Talír of KDU he stated “(It) is the problem of the view of the Czech political parties on the Church. If you are talking to representatives of other political parties, - CSSD and ODS, you can see that their opinion is that the Church should be poor and they should not own anything. They think that the Church should stand somewhere on the side and wait for what people are going to give them. They should not care about life here on Earth but should care about life after life. This all comes from the conditions that they do not want the Church to have this role in society of stating moral rules. And I think this is the reason why the stance of those parties to this problem is like this.”

Certainly there are good grounds for the church’s contention that anti-Catholicism is behind the political failure to restitute property. Where suspicions regarding Catholicism is difficult to detect among the public at large it is easily more visible among political parties. For example, in the course of my own interviews, Miloslav Ransdorf, justifying the communist opposition to restitution explained “We are not against financing the activities of churches, we are against the creation of an ulterior economic basis for political clericalism in the Czech Republic.”

**Politics versus public opinion**

However if deep-seated convictions on the part of political parties is to explain the obstacles to restitution this argument sits uneasily with the readiness of political parties in parliament to change their position on the issue wherever narrow political gains are to be made. Throughout the period 1992 - 1998 the only two parties that remained consistent on the issue of restitution were the Communists and the Christian Democratic Union-Czechoslovakian People’s Party KDU-CSL. (Neither of these parties ever held the balance of power in any post-Communist Government coalition.) Prior to 1992 the smaller of the two Christian Democrats, Vaclav Benda’s right-wing Christian Democrats began with an extreme position on restitutions, modified this substantially when they formed an electoral pact with Klaus’ Conservative ODS, and throughout the coalitions

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41 Interview with Fr. Daniel Herman. Press Secretary of the Catholic Church. October 1998
42 Interview with Vaclav Maly, Bishop of Prague, November 1998.
43 Interview with Jaroslav Talír, ex-Minister of Culture, KDU-CSL. November 1998
44 Interview with Miloslav Ransdorf, Vice Chair of the Communist Party. October 1998.
held back from criticising the ODS’ anti-church restitution line - finally they merged with ODS. The Civic Democratic Alliance (ODA) began with an anti-church restitution line and after growing disillusionment in their partnership with Klaus shifted their position to pro-restitution. Klaus led the ODS from an initial promise to restitute church property to a belligerent refusal to even discuss the matter, an agreement to restitute some property to an agreement to restitute all property. Finally he proposed a decree that would bypass parliament to return church property but ultimately backed the Social Democrats policy to stop all church restitutions. The Social Democrats for their part were opposed to restitution, modified their position on the eve of their coming to power, stopped all restitutions when they came to power in the Autumn of ‘98 (on the basis that parliament was being bypassed in the decision making) and then themselves bypassed parliament to return property they did not want.

Lack of space prohibits here a full analysis of the reasons for political shifts on the issue of restitution but my research suggests in summary the following. The constant shift in party positions on the restitution issue cannot be regarded as reflecting a change in opinion on the virtues of restitution in itself. Instead the fluctuations in party posture largely reflect the difficulties for post-Communist parties in building coherent party profiles. The majority of political parties in the Czech Republic are new parties with weak identities. They have few roots in society and emerged at the elite level as a consequence of splits within Parliament. As a result political parties in the Czech Republic are faced with having to build their constituencies from the top down. And this process is given intensity by the fact that many of the parties are very similar. Mateju and Vlachova’s work on the role of political attitudes and values in electoral decisions concluded with respect to ODS and ODA that ‘both parties are the virtual and ideological twins of the Czech political scene’, and that the similarities are so strong ‘that it is virtually impossible to model the choice between them’. A similar potential for rivalry face the Social Democrats and the Christian Democratic Union (KDU-CSL); 61% of KDU-CSL supporters put themselves at the centre and 60% of Social Democrat supporters also see themselves as being centrist.

With the ODA and the ODS appealing to the same sectors of the electorate as were the CSSD and the KDU-CSL it became vital for these parties to continue the task of rooting themselves in society through a process that would somehow allow them to distinguish themselves from each other. In a nutshell the issue of church-restitution offered the

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46 For example, both the ODA the ODS and Benda’s KDS were successor parties to the broadbased Civic Forum.
48 Michael Klima, Op cit, Pg. 494, Table x
49 The alternative would be amalgamation, but strong personality differences militated against this. A common feature of post-Communist politics is both the absence of broad based party memberships that
parties an opportunity to do this - an opportunity to build publics. Although the public was not particularly interested in church restitutions, the issue nevertheless gave the parties an opportunity to build their identities in opposition to each other. Church restitution was the political football that allowed KDU to be characterised as the Vatican’s messenger boys and the Social Democrats (CSSD) as communist fanatics who wanted as Klaus warned ‘to turn the clock back.’ Indeed all those who wanted to live in freedom should vote for ODS recommended Klaus in his pro-Restitution phase.50

In sum a ‘politics of demonisation’ aptly describes much of political interaction in the Czech Republic. Indeed the lack of ‘normal’ political debate was the subject of disapproval by KDU-CSL during the 1992-1996 coalition. ‘The coalition’ they complained ‘instead of meeting and debating with each other is communicating with each other through the media’.51 It was in general a state of affairs best captured by Jiri Pehe’s remarks that political culture would be best served “if politicians started to focus on matter-of-fact discussion on various topics, if they stopped moving in an artificially created reality of myths which they themselves create and with which they expediently scare the society.”52

In the context described above the possibility of resolving the issue of church restitution through rational debate was greatly reduced. Differences as to the role of religion and the role of the church, when processed at the level of the state were assimilated to the more narrow concerns of parliamentarians. Ultimately it is the line up of political forces and their competing interests that accounts for the churches slow progress in developing economic autonomy. As such ‘politics’ can be considered a more important factor than cultural variables (e.g. anti-Catholicism) in explaining the churches continued dependence on the state.

B) The failure of the church to gain access to the policy making arena

Where the failure of the church to fully institutionalise its independence from the state can be explained by reference to political factors so too can politics explain its failure to gain access to the state’s policy making arenas.53

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50 Zemsky Noviny, date?
51 Joseph Lux, Leader of KDU-CSL quoted by Lidove Democratice, ‘Vedome Prispivame k Urcitemu napeti v Koalici,’ (We are consciously raising pressure in the coalition), 22nd February 1993.
52 Jiri Pehe, the Czech Sociologist quoted by CTK (Czech News Agency), 7th May 1998.
53 On the poverty of church-state links the Bishops once again make reference to anti-Catholic factors. 
“. . . it’s the same question, like before, bias in the minds of politicians and they don’t like to see Vatican authorities involved in this question” Bishop Maly on the obstacles towards the creation of an agreement with the Holy See. Interview with Bishop Vaclav Maly of Prague. November 1998. Similarly Daniel Herman the Church’s press secretary - “So why? Because some members of our Government don’t understand the style of church, or the system of church life. It takes time, they don’t understand it. They know, or some of them understand the Church like organization for the….I don’t know, for the gardeners. But there is the diplomatic mission, the embassy of the Holy See. I don’t, I can’t understand how it is possible why they are not able to understand it but it’s the reality. Interview with Fr. Daniel Herman. Press Secretary of the Catholic Church in the CR. October 1998.
The bishops I spoke to were keen once again to place ‘anti-Catholicism’ as the causal factor in explaining the church’s lack of success in creating links with the state. It is an argument that is lent support by a number of statements by the Czech Prime Minister. One of the first of these remarks came in July 1993 on the occasion of a Mass commemorating St. Methodius. On the same day, Klaus was attending the feast day of the reformer Jan Hus that the Government had organised would remain on the same day as the St. Methodius event. Czech Television gave four hours of live coverage to the Catholic celebrations at Velehrad. This caused a furious reaction from Klaus who in an article for a leading Czech daily criticised the broadcasts, alleged favouritism towards Catholics, and concluded “the Catholic Church has begun playing a role in society that does not correspond with its real standing.”

Relations were once again on shaky grounds when the following July Klaus described the Church as “a kind of Ramblers Association”.

Later he tried to salvage the ensuing political debacle by explaining that while the Church was a necessary thing “it should not play a dominant role” in Czech society.

On the surface of it there appears to be enough evidence to justify the ‘anti-Catholic’ argument. Nevertheless, I argue that it is important to guard against an explanation that proffers this as the uni-causal variable for explaining poor Church-State links. While it is true that the Catholic Church out of all groups seeking the return of their property had the most to gain from Restitution, nevertheless it was not the only group that felt discriminated against. Restitution clearly privileged individuals and therefore any claimant that was an organisation was more likely to lose out. Thus although the church were the major losers, it would nevertheless be reasonable to assert that this was due to a bias against organisations as opposed to one directed purely at Catholics.

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54 Cesky Denik, 8th July 1993.
55 The Tablet 30th October 1993.
56 Jeremy Smith, Czech Government Accused of Stonewalling on Restitution, 20th March 1994, Reuter Textline, Reuter News Service - Eastern Europe
57 The restitution laws covered only those people who had their property confiscated after the communist putsch in 1948. The laws also applied only to individuals and finally they applied only to individuals who resided in the Czech Republic. As noted already it was agreed that a separate law would be enacted to cover the churches as organizations. The Jewish Community was however nealy excluded because it had its property confiscated before 1948, emigres because they no longer lived in the Czech Republic, and finally the Sudetan Germans. The importance of emphasising politics as an explanatory factor is flagged up by the Jewish case which shows that a strong enough political coalition was capable of sweeping away the most trenchant opposition. The ODS has from the beginning been implacably resistant to returning property to the Jewish Community on the grounds that it was impracticable and would open the floodgates for claims by the Sudetan Germans. However in 1994 after months of political wrangling, the Czech Parliament voted an amendment to the Law on Extra Judicial Restitutions. The Amendment allowed for Jewish communities to claim back property that had been seized by the Nazis including the property presently held by the municipalities. The ODS had backed down on what had been portrayed as two insuperable obstacles - property held by authorities other than the state and property confiscated before 1948. The Jewish case is important because it demonstrates that the much vaunted ‘pragmatic considerations’ commonly cited by politicians cannot in themselves limit the political agenda. Ultimately someone has to successfully make the argument that these pragmatic concerns are sufficiently large to matter. Restitution everywhere was a messy affair but in the case of restitution to individuals - (regarded by the Government not as an issue of justice (despite the rhetoric) but as a method of privatization and means of creating a middle class that could carry the transformation to a market economy) - the vast majority of
Furthermore where Klaus has criticised the Catholic Church it is noteworthy that for the most part his remarks are directed not towards Catholicism per se but towards the potential role of the Catholic Church in Czech society. Klaus himself has attempted to make the distinction. In a radio interview he noted that the conflict over restitution is “neither a question of Christianity or Christian ideals and values, nor of the good and the prosperity of society…It is exclusively and only a concern of property - and certain advantages, political and otherwise linked with that”.  

Finally a glance at the wider picture shows all groups in ‘civil society’ and not just the Catholic Church, experience difficulties gaining access to decision making circles. Both the media and trade unions have been the subject of numerous attacks by Klaus the leader of the Government Party in the period 1992-1998 with environmental organisations his particular bete noir - this fact alone should guard against privileging the anti-Catholic factor.

The structural legacies of the ‘Transition’

If anti-Catholicism is a factor in the explanation for poor Church-State links, it is possible that it is not the only (or most important) one. As such the church’s inability to impact on policy making either through direct linkages with the state or via the influence of political parties is more usefully examined in the context of a politics of exclusion experienced by virtually all voluntary organisations in the Czech Republic. Where many authors argue the low visibility of interest groups by reference to cultural factors (in the main a communist inspired antagonism towards organisations on the part of politicians and citizens) I suggest a more powerful explanation can be made by reference to the structural legacies of the transition.

politicians were utterly committed to seeing this through regardless of how many obstacles might emerge. In the case of property belonging to Jewish communities, despite the difficulties of the case, what was regarded as an overwhelming moral imperative demolished the arguments of the majority party in Government that it would be impractical to attempt this restitution. In sum it was a matter of politics - of political will - as to whether or not elites were willing to risk the unintended consequences of making exceptions to the 1948 border. The question of emigres and Sudetan Germans is different again. Whatever economic, political or moral capital was to be gained from restitutions to individuals or to the Jewish communities, in the case of the emigres there are no social force that are going to make these arguments and none (with the exception of the German Government) in the case of the Sudetan Germans.

58 Quoted by The Prague Post, June 2nd 1993
59 See for example, Dusan Novotny, La Meprise De L’Epoque Post-Communiste, 1995, Novotny notes however that ‘this centralisation and the excessive control of power was not an obstacle to the penetration by (certain) lobbies into the organizations of the state’. He gives the example of Philip Morris Tobacco Company, Westinghouse Society etc. Pg. 124-125
60 For example, Alexander Smolar points out that ‘everyday life under socialism taught people to survive as individuals and to fear any association with independent collective action.’ Alexander Smolar, ‘Civil Society after communism; from Opposition to Atomization’. Pg. 33 in Journal of Democracy. And David Olson in his essay on the Czech Republic comments ‘Not only political parties, but any form of voluntary group organization, is now distrusted.’ David Olson, ‘Democratization and Political Participation: the Experience of the Czech Republic’ in The Consolidation of democracy in East-Central Europe. (eds) Karen Dawisha and Bruce Parrott. pg. 153
Where the previous section examined how the impact of the ‘transition’ on the parliamentary arena affected greatly the processing of church-restitution claims, the argument can be extended to explain the lack of access organisations have to the state either directly or via political parties. In the case of the ‘new’ parties, the argument needs no revisions to explain the paucity of links with social groups. Simply the speed with which communism collapsed in the Czech Republic and the rapidity of the transition to a parliamentary democracy did not grant aspiring politicians the time to develop constituencies within society. 61 This readily accounts for the existence of parties like the ODS and ODA who have little contact with interest organisations 62 and in comparison with the Communists or KDU-CSL a modest party membership. 63

However the problem with this description is that it fails to explain how parties that in no way can be regarded as new still suffer many of the difficulties experienced by ODS and ODA. I suggest this is to do with the impact of the transition not on the parliamentary arena but on Czech Social Structure. Here constituencies in Czech society which were once regarded as stable have been thrown into disarray by the rapid change engendered after the events of ‘89. A clear example of these effects comes from my own interviews. Ransdorf the Vice Chair of the Communist Party (and its intellectual voice) explaining to me the weak links his party had with trade unions remarked "It is not so simple because this period of socio-economic change was a time of huge social transformation. Can you imagine that 40% of people in our country changed their jobs? ....So Czech social structure is not as in other countries of Eastern Europe....not so settled." 64

Apart from the impact on ‘constituents’ the de-structuration in society also unsurprisingly has its effects on Communist party members, a process that has implications for the identity of the party itself. Almost by way of making up for the fact of weak links, Ransdorf commented, “But we try to spread our influence in all strata of population. We have also many many entrepreneurs in our structure because many of our members and former members of the party have no chance to survive only to become entrepreneurs.” 65

In the case of a long established party like the Communist Party it is likely that the effects of the rapid transition were felt first in the social sphere and then fed back up into the

62 My interview with Miroslav Nemcova, Shadow Culture Minister ODS (November 1998) supports this.
63 The KSCM (CPBM) is clearly not a new ‘political aspirants’. Where the strongest party Klaus’ Civic Democratic Party (ODS) had a membership of 22,000 in 1996, the Communist Party figure was over nine times that amount with a declared membership of around 200,000 - the highest of any party in the Czech Republic. KDU-CSL had an 80,000 membership figure, the Social Democrats (CSSD) - 13,000, and the Civic Democratic Association (ODA) - 2,500, Lidove Noviny, 16th April 1996
64 Interview with Miloslav Ransdorf, Vice Chair of the Communist Party. September 1998. ‘In the year between May 1994 and May 1995, the proportion of Communist voters who described themselves as workers fell from 22.5 percent to 15.9 percent, and as employees from 27.5 percent to 14.3 percent, while those above the pension age rose from 28.0 percent to a hugh 59.1 percent. ‘ Figures from Rude Pravo, cited by Kettle, Steve Kettle, ‘Church-State Standoff’, Transition, 1995 Radio Free Europe, 1995, pg. 73.
65 Interview with Miloslav Ransdorf, Vice Chair of the Communist Party, October 1998.
political arena. Whereas new parties began with uncertain identities and went on to face the difficulties of establishing constituencies in a society where individuals are suffering social dislocation, the scenario was the reverse for older parties. They started with a clear identity and a certain confidence as to their constituency, a confidence that gradually became disrupted as the crisis in society worked its way to the party level. ‘What am I?’ is a question that must clearly dogs the mind of the Communist Party - on the whole a situation that militates against the quick and easy formation of links between social groups and political parties.

In sum the effect of the transition was one where political parties had to engage in the business of being parties before they had time to establish constituencies. More importantly, those constituencies are not out there ‘patiently waiting to be represented - the opportunity to build constituencies is dramatically affected by a population of floating individuals unclear as to whom they are or where their interests lie.’ And thus the coming together of constituencies and parties, albeit a matter of time is a matter of time that is to some extent out of the control of politicians.

To return to the question of church-state links - we can ask in what way does the interaction between a shifting social structure and the frenzied development of parliament (discussed above) explain the poor relationship the church has with political parties? Immediately after 1989 the most natural allies of the Catholic Church were the two Christian parties - the Christian Democratic Party (Vaclav Benda’s CDP) and the Christian Democratic Union-Czechoslovakian People’s Party. (Lux’s KDU-CSL). The Christian Democratic Party was a breakaway party from Civic Forum and thus one of the ‘new’ political aspirants. As happened with many new groups on the political scene across Eastern Europe it failed to survive. It was a weak party with few roots in society and merged with the ODS at the end of Klaus’ first election term.

However the KDU-CSL, also a Christian party, had little in common with their namesakes the CDP. Hardly a new kid on the block, the KDU-CSL has the distinction of being Czechoslovakia’s oldest surviving party. Whereas all parties after ‘89 had to re-evaluate the profile of their constituents, by all indicators the KDU-CSL were and are in a stronger position than other parties to maintain their traditional voter base. Unlike the Communist Party, KDU-CSL’s supporters are ones whose identities are less likely to be forced through a radical rethink by a revolutionised labour market. Party members themselves have survived the transition with their identities intact and KDU-CSL was relatively untouched by the phenomenon of political tourism. Indeed of all the Party clubs in the Czech Parliament KDU-CSL reveals itself to be the most stable losing none of its parliamentary members in the lengthy period after the 1992 election that was characterised by endless splits and defections among parties.

66 See David Ost’s article on Trade unions in Poland, I paraphrase his comments - need to find reference.
67 Even during Communism the KDU-CSL remained a ‘parliamentary party’. ‘The Communist Party became the only autonomous entity (after 1948). It allowed a few other parties to exist within the so-called National Front; however these parties held no real power and were created to provide an outward image of Czechoslovakia as a democratic state’. (http://www.czech.cz:80/czech/political.htm.). The elections in August of 1998 saw for the first time since its inception the vaction of KDU-CSL from a place in Government.
In sum the conditions described earlier as militating against the establishment of linkages between state and society (in the case of the new parties like ODS and CDA and an old party the Communist Party), were not present in the case of KDU-CSL.

Yet despite positive forecasts for a mutually beneficial relationship, my interviews with both the KDU-CSL and the church indicate a great deal of concern over their ‘friendship’. If anything the evidence seems to be that both the KDU and the Church are working hard to break what vertical links have been established rather than trying to build them up. With both KDU’s former Minister of Culture and with the Church’s press secretary, I discussed the benefits of co-operation in trying to resolve the Restitution issue and other outstanding issues of concern to the church.

However Daniel Herman the Press Secretary of the Catholic Church was keen to make clear “You know this link (with KDU-CSL) is very very bad for us. And this link was created after November ’89 and today really nobody will something like this. We will be very good correct partners but only co-operate, not to be one thing. For instance we are against the organisation of political meetings of Christian Democrats in the rectories. It is not good.”

And Jaroslav Talir anxiously remarked “I have to say that this problem is difficult for our party. Our political rivals are trying to introduce our party as a party which does not have any other political programs, just this.”

Herman explained “For us it would have been much better to discuss directly with the Government, not through only one party. But its also based on experience - after these nine free years that to co-operate only with one party will be counterproductive... today we know that, but nine years ago, it was without any experience, any precedent. It was our problem.”

Equally for Talir, KDU-CSL’s efforts to represent the interests of the Churches had brought with it certain disadvantages “When KDU pushes on this problem, its political rivals use this for its discreditation. In all elections all our rivals are saying to voters not to vote KDU-CSL, this is a party only for old people, for Catholics and they do not know anything else that to take care of the restitutions”.

Conditions were good for the KDU-CSL to make links with groups in civil society; they were not one of the many ‘new parties’ with an identity crisis, neither was the identity of their constituents dramatically affected by the social upheaval wrought by the collapse of a command economy. The problem for KDU-CSL lay not with its own identity but with the lack of identity of their competitors in Parliament struggling to build coherent party

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68 Interview with Fr. Daniel Herman, Press Secretary of the Catholic Church in the Czech Republic. November 1998.
69 Interview with Jaroslav Talir, ex-Minister for Culture. KDU-CSL. November 1998.
70 Daniel Herman, op cit.
71 Interview with Jaroslav Talir, op cit.
profiles. And what ultimately made it difficult for the creation of mutually beneficial links between KDU and the church was the energy which other parties devoted to portraying any co-operation between the KDU and the Church as a bad thing. In an attempt to forge their own identities through creating a demon identity in the opposition, parties without a clear voter base concentrated on a “we are not what you are” politics making every effort to dash other parties attempts to establish areas of competencies.

**Politics in a vacuum**

Political parties have failed to act as medium through which organisations could maximise their potential to impact on political society. Yet this in itself does not preclude the possibility of an invitation by the state for organisations to more directly participate in the policy making process - either through the creation of commissions (e.g. church-state), representations on Parliamentary Committees and so on.

Initiatives in this regard have not been taken in the Czech Republic but it is impossible to attribute this to a broad-based communist legacy of opposition to organisations. If this was true one would expect all (or nearly all) political parties to have this view but this was not the case. Virtually all parties with the exception of ODS were keen to deepen democracy through encouraging the development and participation of interest groups. Instead the anti-organisation ideology is most clearly espoused by Klaus the leader of the most powerful party the ODS. Furthermore Klaus’ approach to politics is more usefully regarded as influenced by an ideology of Thatcherism rather than one symptomatic of Marxist-Leninist praxis.

Klaus has spoken and published less often on the subject of political society yet his views on politics can be understood most readily by examining his views on the economy. His well known phrase a ‘market economy without adjectives’ can equally apply to the political sphere and read as ‘democracy without adjectives’ - rendering understandable his forceful rejection of the rather ubiquitious adjective ‘civil society’, arguing that “we” did not vote for it. “...We voted for something else. We voted for a democratic society whose bedrock is individual freedom.” (Italics mine)

“The advocates of civil society” he argues “think it necessary to increase the role of direct democracy. I disagree.” He has made the point clear elsewhere “My polemic is about a market without adjectives, a standard system of political parties, without a national front or civic movements.” His goal - “to stop deep-rooted government interference in the economy, to block popular redistributional practices, to dissolve...

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72 See Vaclav Klaus ‘Proc Jsem Konzervativeum?’ (Why am I a Conservative). Ceska Cesta (The Czech Road) and O Tvar Zitra 1991(The face of tomorrow).
74 Vaclav Klaus in a discussion with President Havel aired on Czech Television on 25th May 1994, cited in Journal of Democracy. Find date. Pg. 18
75 Vaclav Klaus ibid . Pg. 18-19
dangerous lobbying, rent-seeking, protectionist organisations and pressure groups and so on.”

On the more direct question of support for these organisations Klaus’ position is “I think we are unnecessarily opening doors that are already open...If I disagree with something, it is with the point about the evolution of nonprofit organisation: let their growth be natural and spontaneous, and not engineered by the State. The government should not have to pass laws protecting such institutions.” (Italics mine). A few months later he continued this theme “The State’s primary concern should be public welfare -or the community - because it is genuinely the public’s concern, therefore it is only these institutions (parliamentary) that can represent us, the citizens, because we elected them in democratic election”. He then adds somewhat rhetorically “Should the state.... allow people to sponsor non-profit-making organisations and be relieved from taxation and thus deprive the state of taxes that are truly beneficial for the majority?”

His views are supported by Nemcova the Shadow Minister of Culture in ODS now the strongest opposition party and one importantly holding the balance of power in the present Czech Parliament. I asked her what her understanding of Civil Society was. She answered,“According to my belief, Civil Society arises from the voluntary and free want of citizens, who...with use of their own sources will try to somehow fulfil, organise and finance their goal. And this process starts by itself, without someone - that is the State - somehow instigating or putting it place this process. I think the Civil Society should come out from this (the free desire of citizens). They should not strive for a part in State power. State power arises from election, decisions of free citizens, who elect in a democracy, democratic representatives.”

Given the dominance of ODS in the Government from 1992 - 1998, Klaus’ efforts at translating his particular model of society into reality has been remarkably successful. ODS’s power to block moves to widen access to Government was unchallenged. Attempts by coalition or opposition groups to create opportunities for citizens or groups to air their concerns were persistently opposed by Klaus. In the end ODS’ coalition partners were limited to remarking rather helplessly that they were “more and more often registering differences” between itself and the CDP (ODS) in approaching the role of the State in society”

The procedures for electing Judges to the Constitutional Court, the draft law on the ‘Central Auditing Office’ and the election of its director all provided opportunity for

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78 Klaus, cited in Journal of Democracy, op cit., Pg. 19
79 Vaclav Klaus ‘Cim vice neziskovych organizaci, tim vice demokracije! (The more non profitable organization the greater the democracy!) - A criticism of what Klaus sees as the ‘priveliging’ of the term ‘non-profit’. Lidove Noviny, 16th May 1994. Pg 5
coalition partners to criticise what they saw as ODS’s ‘partisan approach to the law.’ Furthermore the Coalition became increasingly concerned at attempts at executive centralisation within the Government. For example, the other three parties in the coalition tried to introduce regular coalition discussions on foreign policy but this was rejected by ODS who continued to dominate all foreign policy matters - this despite the fact that the Foreign Minister, Pavel Bratinka, was from the CDA. A further example returns us to the conflict over church-state relations. The coalition agreed on a number of occasion that the parties would negotiate on the issue church property issue, the ODS Minister assigned to represent his party, constantly refused to discuss the matter with his coalition partners saying that he was too busy. A new, less busy Minister was found but nothing changed.

The coalition eventually collapsed in 1997 leading to the caretaker Government of Joseph Tovosky and the rise to power of Zeman’s Social Democrats (CSSD) in 1998.

**Conclusion**

The Constitution of the Czech Republic dictates only that the state ‘may not be bound.... by a particular religious faith’. An ‘active’ or ‘passive’ neutrality is neither endorsed nor proscribed. As such what state impartiality might mean in practice is politically contested.

In the case of church-state relations the success in applying the ‘passive’ approach is explained by a political failure to make meaningful headway on the institutionalisation of a civil society; a failure that witnessed numerous attacks on many independent organisations and not just the organisation of the Catholic Church.

However this failure to strengthen civil society cannot be explained by the effects of a communist ‘legacy of antagonism’ towards organisations: all of the smaller coalition parties in Government from 1990 - 1998 (the ODA and the KDU-CSL in particular), were keen to develop alternative sites of decision making namely the Senate and local government. Instead the antagonizing factor is clearly located in the political program of the Klaus administration and their *post* communist inspired concerns to limit power to the Parliament (and more particularly to the executive) where they had a dominant position. Klaus’ success in achieving his program returns us to structural concerns. The rapidity of the ‘transition’ blew apart the Czechoslovakian social structure. The resulting structural vacuum allowed the easy implementation of a radical ideology by a political entrepreneur who faced little opposition from parliamentary colleagues unable to find ‘partners’ in a post communist atomised ‘society’.

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82 Jiri Pehe, ibid. Pg 16-18