

# Between Politicisation and Depoliticisation: Restitution of Church Property in the Czech Republic\*

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**Abstract:** Elaborating on the process of the restitution of church property in the Czech Republic after the fall of the communist regime, this paper stresses the discursive dimension of this process. To obtain information on the main arguments for and against restitution, we selected two mainstream daily newspapers, the centre-right *Lidové noviny* and centre-left *Právo*, and the 'official' church media of the two largest churches seeking restitution in the Czech Republic: *Katolický týdeník*, the official paper of the Roman Catholic Church, and the monthly *Evangelical Church of Czech Brethren* magazine, *Český bratr*. All selected sources covered the 1990–2019 period. Our analysis of the media debate helps to determine why restitution in the Czech Republic – an interesting case given that it is perceived as the most atheistic country of the Visegrad Four – took its unique direction. It took more than twenty years for the churches to receive their relatively generous compensation and, at the same time, become separated from the state. Linking the theoretical concept of discursive depoliticisation with an argumentative analysis allows us to show that emphasis of the spiritual contribution of churches to society did not play a key supporting role in legitimising the restitution. The enactment of restitution was aided by two widely shared, morally oriented depoliticised sentiments: a neoliberal emphasis on private property and efficient management and an emphasis on the defence of constitutionality reinforced by anti-communist sentiments.

**Keywords:** restitution of church property, argumentative discourse analysis, post-communism, Czech Republic

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## Introduction

In this article, we analyse the thirty-year-long public debate on the restitution of church property in the Czech Republic following the fall of the communist regime in 1989. We emphasise the discursive dimension of restitution, claiming that the arguments contained in the media debate could help us explain what ultimately made it possible to enact financial compensation to churches in an 'atheist' country such as the Czech Republic. Through an analysis of the media debate, we try to identify what narratives and arguments were crucial. Was the approval of relatively generous compensation to churches based on moral grounds as an atonement for communist grievances? Could it be that the churches were needed as key actors in the process of rebuilding civil society, or were other factors involved?

As we explain in more detail in the following sections, it took more than twenty years of fierce public debate before the Act on Property Settlement with Churches and Religious Societies (No. 428, 2012) was adopted, and before the separation of church and state became legally consolidated. The relationship between churches and the state after the fall of the communist regime in the Czech Republic is often explored with an emphasis on the legal and institutional context (Hupková et al., 2015; Nešpor, 2020; O'Mahony, 2003), combining both economic and historical approaches, as well as political science (Minarik, 2017, 2018, 2020). Existing sociological inquiry dealing with the relationship between church and state is mostly concerned with the number of believers (Bunčák, 2001; Hamplová & Nešpor, 2009; Spousta, 2002; Tížik, 2012; Váně & Štípková, 2013), typologies and degrees of religiosity (Hamplová, 2013; Lužný & Nešpor, 2008). In the Czech context, research deals with the discursive aspects of the state-church relationship only marginally (Enyedi & O'Mahony, 2004; Václavík, 2016) or covers only a short (Koudelková, 2021; Šmídová, 2012) or specific case (Lužný, 2021; Rončáková, 2021). Other discursive studies are concerned with agenda setting, elaborating on methodological issues of focusing events (Váně & Kalvas, 2013), or exploring the Roman Catholic Church's ability to set the public agenda (Váně & Kalvas, 2011).

Compared to other post-communist states, the Czech Republic is often perceived in public discourse as a very atheistic country (a perception that is repeatedly mentioned in the above-mentioned studies). Comparative research on religiosity shows that the Czech Republic has a higher rate of declared non-religiousness and atheism than most other countries - for example, in WIN-Gallup International Global Index of Religiosity and Atheism (2012), 30% of Czechs described themselves as convinced atheists, 48% as 'not a religious person' and only 20% as 'a religious person'. This earned the Czech Republic the position of the third-most atheistic country after China and Japan. However, this picture of the Czech Republic is not sufficiently accurate. As the census data shows, while the number of believers who subscribe to a particular church or religious society has been steadily declining in the Czech Republic, from 14% in 2011 to 13.1% in 2021, the number of believers who do not subscribe to any church, religious society, or

denomination has risen slightly from 6.8% in 2011 to 9.1% in 2021 (CZSO, 2021, own calculation). As several authors claim, according to more detailed research, Czechs are more oriented towards privatized forms of religiosity and individualized forms of spirituality (Hamplová & Nešpor, 2009; Nešpor, 2020; Václavík et al., 2018; Vido et al., 2016). We want to show how the debate on restitution took place in this context. Unlike previous studies, our research tries to capture the development of the media debate on church restitution over the entire period, from 1990 (after the Velvet Revolution and the establishment of democracy) to 2019.

The media debate that we have followed throughout this period is highly polarized. It blends justificatory, social, moral and transcendental expectations with purely practical, political and economic ones. To understand the interplay between the different kinds of arguments and to assess their hierarchical relationships, we employed Marteen Hajer's (2002, 2006) argumentative discourse analysis and interpreted our results using the theoretical concepts of politicisation and depoliticisation (Barša et al., 2010). This analytical approach, which combines open-ended and theoretically based data coding, allows us to distinguish between political, pragmatically contextualised arguments and long-term moral arguments. Moreover, it lets us evaluate their discursive effects. Hajer understands discourse as being (re)produced through practices. These include not only strategic interests but also the meanings people attach to events. Practices promote the position of certain types of interpretations ('ideas, concepts and categorisations') at the expense of others (Hajer, 2002, p. 44). In our case, the media's representation of the meaning of restitution can help us to understand how social, institutional, political and legal practices are interconnected with, and affected by, media accounts of church property restitution.

The paper has the following structure. First, the overall historical and legal background of restitution in Czechoslovakia / Czech Republic is examined. The second part explains the methodological approach and introduces the theoretical concepts of politicisation and depoliticisation used to interpret the data. The following section presents the construction of the dataset and describes the process of analysis. The analytical part of the text presents the main storylines of the media debate. We then discuss our interpretations in the final sections and offer a general summary and concluding remarks for further possible research on the topic.

### **Restitution of church property: a brief overview of legal measures**

The Catholic Church has a long and complex history in the Czech lands, dating back to the arrival of Christianity in the 9th century. Over the centuries, the Church has accumulated a considerable amount of property and wealth, which it lost during various periods of conflict and upheaval, including the Hussite Wars and the Thirty Years' War (for a more detailed overview, see Minarik, 2017, pp. 460–462). In the 19th and early 20th centuries, the Church gradually recovered some of its

property, but this process was interrupted by the expropriation of all remaining Church property by the Communist regime in 1948. During the communist era, the property of churches in then Czechoslovakia was confiscated, and their members persecuted. The Act 'on Economic Security of Churches and Religious Societies by the State' (Act no. 218/1949 Coll.) also introduced the need to obtain state consent for the performance of the activities of priests and pastors, as well as the payment of salaries for state-approved church officials. The churches thus completely lost their independence from the state. As a consequence, the question of how to remedy the churches' situation took on great importance during the 1989 Velvet Revolution. Immediately after the revolution, in July 1990, the so-called 'enumeration laws' were adopted in order to begin to rectify the injustices committed against the Catholic religious orders by the communist regime. Under the act, approximately two hundred buildings, mainly monasteries and religious buildings, were returned to the Catholic Church. However, a large portion of the properties had already been used for other purposes and were not handed over.

To consolidate the position of religion in the newly established democracy, the law on Freedom of Religious Belief and the Position of Churches and Religious Societies (No. 308, 1991) was adopted in 1991. In the same year, an even more important law (at least from today's perspective) came into effect: The Act on the Adjustment of Ownership Rights of Land and Other Agricultural Property, which included a statement (the so-called blocking paragraph) that 'property owned originally by churches, religious orders, and congregations cannot be transferred to another person's ownership until the laws on such property are passed' (No. 229, 1991). This measure aimed to prohibit the transfer of ownership of original church property until a special law on church property restitution was adopted. It was expected that such a law would be prepared soon afterwards.

Nevertheless, even in post-revolutionary enthusiasm, the restitution of church property failed to be implemented. In 1992, the law was rejected by the Parliament (the Federal Assembly of the Czech and Slovak Federal Republic). In 1993, Czechoslovakia was dissolved, and in Slovakia, the settlement with the churches was adopted later that year. In the Czech Republic, several further attempts were made to create a new restitution law. Nevertheless, it took more than twenty years before, in 2012, the Act on Property Settlement with Churches and Religious Societies (No. 428, 2012) was approved. It consisted of two parts: restitution of church property and financial separation of churches and the state. According to this act, approximately CZK 75 billion worth of property is to be returned to the churches and CZK 59 billion (plus inflation) is to be gradually paid to them over 30 years as compensation for property that cannot or, for various reasons, will not be returned. Seventeen of 42 Czech churches<sup>1</sup> signed the agreement with the state and would recover fields, forests and real estate worth about 56% of the total original assets. The churches had to apply individually

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<sup>1</sup> See the register of churches and religious societies, [http://www3.mkcr.cz/cns\\_internet/](http://www3.mkcr.cz/cns_internet/) (accessed 5 March 2020).

for the reversion of these properties and prove their ownership prior to 1948.<sup>2</sup> Some properties have not been returned for a number of reasons, including private ownership, the inability to trace evidence of ownership and political reasons. Financial compensation is additional to restitution, and its main objective is to alleviate certain property injustices.<sup>3</sup> The contribution to the activities of the churches and religious societies concerned is thus principally a tool for achieving a settlement of the relations between the State and the churches and religious societies, which should lead to the separation of the churches and religious societies from the State. State subsidies to churches are reduced by 5% annually and will cease after 2029. As the largest original owner, the Catholic Church was to receive almost the entire amount of financial compensation. However, it agreed with other churches and religious societies to offer nearly 20% in their favour. Payment of financial compensation for property not handed over in church restitution will end in 2042. From 2043, churches will switch to self-financing.

The controversy over restitution law has not completely subsided. On 23 April 2019, the Chamber of Deputies approved the Communist Party's proposal for the taxation of financial compensation that the state pays to churches.<sup>4</sup> However, in its judgment of 15 October 2019, the Constitutional Court abolished this taxation. As can be seen, the initial willingness to redress communist injustices became a controversial political issue that reverberates within Czech society to this very day.

## Methodology and conceptual framework

The article employs an argumentative discourse analysis, as proposed by Marteen Hajer (2006), because this form of analysis is especially suitable for analysing long-term public debates on controversial topics. It reveals the key role of narratives, symbols and metaphors and thus allows us to see what types of argumentative rationality actors use in discussion and how a particular debate is structured into

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<sup>2</sup> In February 1948, the Communist Party of Czechoslovakia, with the support of the Soviet Union, increased its influence over the Czechoslovakian government and eventually took it over. According to new, radical land reform (Act No. 46/1948 Coll.) implemented after its 'Victorious February', all agricultural and forest lands were confiscated, and the churches were left with only properties of up to two hectares. The churches were torn from their economic base and thus became dependent on state support, eventually leading to state control not only of church property but also spiritual services.

<sup>3</sup> The financial compensation eventually affected only sixteen entities as the Unity of the Brethren Baptists renounced it in April 2013.

<sup>4</sup> The Communist Party forced the ANO-led coalition of Prime Minister Andrej Babiš to support the taxation of the restitution as a condition of its continued support in the parliament. Similar political pressures arose many times during the restitution process; while they go beyond the scope of this study, they would be a great topic for a case study of Czech political negotiations.

different discourses. As a methodological tool, Hajer uses storylines, which function as a shorthand for more complex narratives (Hajer, 2006, p. 69). In the case of the church property restitution, they can, for instance, make the claim 'churches should be poor', which refers to the complex stances opposing the return of property to churches. According to Hajer, the ritual nature of the storylines allows them to act as triggers for the emergence of discourse coalitions. These combine opinions that share an overall direction and common goals, but differ in detail regarding how to achieve them or why. Rather than being connected to persons, discourse coalitions are 'related to practices in the context of which actors employ storylines, and (re)produce and transform discourse' (Hajer, 2006, p. 70).

Given the argumentative richness of the restitution debate, we decided to focus on a more detailed examination of the arguments and narratives that helped shape the main storylines and discourse coalitions. Based on the first outputs of our data analysis, we found the theoretical concepts of politicisation and depoliticisation put forward by Barša et al (2010) to be useful. These concepts allow arguments that reflect specific contextual and pragmatically oriented measures (politicisation) to be distinguished from other types of moral, value-framing arguments about the restitution act and the actors involved in the debate (depoliticisation).

Drawing on Carl Schmitt's (2007) concept of depoliticisation, depoliticisation can be seen as a culture war that converts all disputes into moral and value conflicts (see also Barša et al., 2021; Hunter, 1992; McKnight, 2005; Thomson, 2010). The dispute is perceived as a fundamentalist struggle of good versus evil. The enemy is viewed essentially as a representative of an unchanging identity and is excluded from public debate. By drawing on moral values, the depoliticising discourse provides a stable, difficult-to-question framing. When we use this concept in data interpretation and combine it with Hajer's methodological tools, we can further deepen our insight into the debate over restitution process under scrutiny, especially when assessing the relative power of the multiple storylines and discourses created. To evaluate the influence of discourses, that is, to identify which discourse is dominant, Hajer establishes two kinds of criteria: *discourse structuration* and *discourse institutionalisation*. Structuration occurs when a social unit starts to share the same conceptualisations of the world. To remain credible, actors must base their claims on these shared concepts. If discourse consolidates into concrete institutional arrangements, we call it discourse institutionalisation (Hajer, 2006).

The public debate on the restitution of church property comprises both politicisation and depoliticisation principles. As depoliticised moral principles are widely shared, those who try to politicise the issue by pointing to some concrete obstacles (e.g. missing inventory of expropriated church property) are usually in a worse position when trying to push their agendas (cf. Barša et al., 2010, pp. 198–199). On the other hand, once these politicised agendas become potent, they tend to become stable and transform into depoliticised principles – for example, transparency as a moral principle. The interplay of these principles is presented in the analytical section of this paper.

## Data

We aimed to capture the media debate from its beginnings in 1990 to the present day, trying to obtain an overview of the main types of arguments for and against restitution and to learn how strong their discursive positions were. At the same time, our goal was to capture even the small argumentative nuances, going beyond just general information, such as the positive-negative connotations usually revealed through quantitative content analysis. Choosing a qualitative argumentative analysis to examine such a long period of time required a theoretically substantiated selection of data. To obtain information on the main arguments for and against restitution, we selected two mainstream daily newspapers, the centre-right *Lidové noviny* (People's News) and centre-left *Právo* (Justice), which together represent the two main platforms for the left and right political-ideological camps. At the same time, we analysed the 'official' church media of the two largest churches seeking restitution in the Czech Republic: the Roman Catholic Church (RCC) and the Evangelical Church of Czech Brethren (ECCB). The sources included *Katolický týdeník* (Catholic weekly), the official paper of the RCC, and the monthly ECCB magazine, *Český bratr* (Czech brother). All selected sources covered the entire 1990–2019 period. After selection, we verified in which years the topic of church restitution was most frequently mentioned. In the beginning, we used simple keywords such as 'church', 'restitution', etc. However, as we read the articles revealed by our searches, we gradually adjusted the keywords to include texts that did not explicitly mention the topic of restitution. For later years, we also added the keywords 'taxation' and 'compensation' as a new public debate emerged in 2018 on whether restitutions should be taxed. We then selected the years with the highest number of articles (1993, 1996, 2008, 2012, 2013, 2018) and supplemented them with years related to key events – 1990, the year of formation of the Czech and Slovak Federative Republic, and 2019, the year of the debate about possible taxation of restitution.

We used Microsoft Excel and Atlas.ti to analyse the collected data and coded almost 1,500 texts of various types (news articles, opinion pieces, columns, readers' letters, etc.). For each text, we noted the main theme, specific events, key actors and the overall message in relation to restitution. We also monitored the interconnectedness of the texts within and across different types of media. We then coded each text, first descriptively and then analytically.

## Media debate on restitution: storylines and discourse coalitions

In the following section, we present a list of the most common storylines. To bring readers as close as possible to the environment of the Czech media debate, we illustrate these storylines with specific quotations selected to represent the statements most typical of a given analytical category.

The media debate was highly polarised around the topic of 'yes' or 'no' for

restitution. The storylines below cover the causes, course and expected consequences of restitution. As such, they are not necessarily one-sidedly economic, moral, or political but rather are comprehensive, meaning that they have the potential to be widely shared among diverse kinds of readership.

### *Storylines against restitution*

Going through the analysed materials, one thing was obvious: a strong discourse coalition of arguments opposing the restitution process was concentrated in the leftist news daily *Právo*. The number of articles far exceeded the number of equally thematised articles in the centre-right *Lidové noviny*. In addition to the editors, occasional critical opinion pieces on the restitutions were written by left-wing experts from various professions, former dissidents, readers and social democratic politicians. The discursive affinity of the different arguments against restitution was so strong that the overall narrative was often reproduced as 'all in one': a patchwork of diverse negative arguments against restitution was made to create one comprehensive narrative of impending injustice. The narrative could be reproduced as follows: the greedy churches, in a conspiracy with the right-wing government, will unfairly and, at the expense of many others (future generations, health and care professionals, retirees, the socially deprived, etc.), siphon off repeatedly vast amounts of property they have never owned before from a meagre state in order to expand their wealth, consolidate their power and spread a right-wing and ecclesiastical ideology.

We could analytically divide the argumentation against the restitution of church property into two sections: (a) explanatory causes related to the character of the churches and their future development should the restitution act be passed and (b) comments on the restitution law approval process and its future consequences. This division also constitutes the main storyline behind the two main types of anti-restitution discourses.

### *The threat of the ungodly (powerful and wealthy) church*

As uncontrolled bullets laden with property, flirting with specific political parties and tending towards command in society, some of the churches, as history warns, may be quite dangerous. (Lukáš Jelínek, a political scientist and member of the Social Democrats)<sup>5</sup>

The first storyline against restitution refers to narratives that already consider the churches 'ungodly' or that see restitution as a threat to depart from the principles and ethics of Christianity in the future. What these Christian values are

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<sup>5</sup> Jelínek, L. in 'Hra s ohněm' (Playing with fire), *Právo*, 5 September 2012, p. 6.



is, of course, indistinct, but some of them were explicitly mentioned: 'The church should be poor'<sup>6</sup>, in reference to the RCC, and it should not crave power. Religious argumentation against restitution was rather marginal and could be summarised as 'no one can serve two masters, God and property'.<sup>7</sup> From the point of view of believers, churches should be humble and modest, serving God and society, rather than making financial or power demands.

Secular argumentation was even more radical, underlining the threat of a contemporary counter-reformation. Voices commemorating the historical role of the churches as a symbol of power and oppression evoked the role of the RCC in consolidating the Habsburg power over the Bohemian lands during the 17th century (after the Battle of White Mountain)<sup>8</sup>, and reviving unresolved historical resentments. Moreover, this story was sometimes enlivened by images of the Vatican as an economic and power centre that would seek to dominate the Czech state through the Catholic Church. The RCC is seen as an institution which betrays national ideas and identity. According to narratives which see the 'ungodly' values of the RCC as a threat, the RCC should serve the people, not rule them. Giving money to this institution would strengthen its position, which, in a secular society like the Czech Republic, should be rather marginal. Restitution could thus result in the loss of the RCC's 'true' values and mission. This focus on the desired character and position of the RCC was often supported by references to the results of opinion polls claiming that '80% of society is against restitution'.<sup>9</sup>

Concerns about churches being too powerful were related to a desire for them to play a service-giving role. However, according to the most polarised accounts, the supposedly over-privileged position of churches should be drastically downplayed, including the suggestion that churches should avoid using the social and educational services they offer because they seek to spread religious ideology through them. The idea of the churches as the spiritual and moral compass of society was already being opposed in the 1990s. To mitigate their social in-

<sup>6</sup> According to editor Perknerová, K. in 'Církev má být chudá' (The church should be poor), *Rudé Právo*, 14 January 1993, p. 1.

<sup>7</sup> E.g. the 14 August 2012 declaration 'Křesťané proti zákonu o církevním majetku' (Christians against the law on church property), <https://denikreferendum.cz/clanek/13730-krestane-proti-zakonu-o-cirkevnim-majetku> (accessed 11 March 2020).

<sup>8</sup> According to some currents in public discourse, the Battle of the White Mountain in 1620 between the armies of the Habsburg Monarchy and the Kingdom of Bohemia holds a special place in the Czech national consciousness as an irreparable national tragedy. It is regarded as the beginning of one of the most humiliating periods in Czech history as it is believed that by destroying the Czech Protestant nobility, the Catholic Habsburgs destroyed Czech culture itself, which was strongly Germanised after this event (Mamatey, 1981).

<sup>9</sup> E.g. Pehe, J., a political scientist and writer who regularly contributes to the daily *Právo*, in 'Církevní restituce versus řecká cesta' (Church restitution versus the Greek way), *Právo*, 13 August 2012, p. 6.

fluence, Václav Klaus, then a representative of a liberal and free-market-oriented right-wing political party and Minister of Finance, stated that churches are just one of many leisure associations.

### The political game of the right-wing government

There are few things that disgust the majority of citizens as much as church restitutions enforced by the last right-wing government. Because even a dull man understands that this is not just compensation to the churches, but a glorious, unsubstantiated gift, especially to the Catholic Church. (Jiří Hanák, editor of *Právo*, signatory of Charter 77)<sup>10</sup>

In the second main anti-restitution storyline, criticism of churches (especially the RCC and its political ambitions and desire for power) continues to play an important role; however, attention shifts significantly away from the churches as agents to the right-wing parties promoting restitution and the right-wing government that approved them in 2012. The main part of the criticism is directed against the law's approval process, which is seen as having been pushed through by the government against the will of the political opposition and the majority of society. Based on the zero-sum game model of critique, restitution opponents criticised the timing of the law: whether during the post-communist transformation in the 1990s or before (2008) and after the economic crisis (2012), restitution has been seen as an unjust enrichment at the expense of civil servants, seniors, children, people in need and the like.

Alongside this socio-economic critique, another statement stresses the lack of transparency in the approval process, especially the origin and extent of the restituted property; this ambiguity or even tactical concealment of this list is repeated throughout the discussion from the 1990s to the present. Referring to the reforms of Joseph II<sup>11</sup>, restitution opponents claim that the RCC did not own the property. According to these accounts, the ecclesiastical property had a distinctly public character and the Catholic Church only administered it.<sup>12</sup>

This argument goes hand in hand with the claim that 'the churches will acquire immense property', and instead of restitution, we are witnessing the giving of a 'great gift to the churches'. Moreover, without taxing financial compensation, the budget deficit will increase, which will then become a burden for future gen-

<sup>10</sup> J. Hanák in 'Muzikanti' (Musicians), *Právo*, 9 November 2013, p. 6.

<sup>11</sup> In 1781, in the Patent of Toleration, the Holy Roman Emperor Joseph II, abolished the monopoly of the Catholic Church in the Habsburg Monarchy and extended religious freedom to his non-Catholic Christian vassals. He appropriated the property of the churches and created a religious fund from which churches were supported; however, this originated from assets mainly expropriated from the abolished monasteries.

<sup>12</sup> Uhl, P., an anti-communist dissident and, later, leftist journalist and politician, in 'Biskupové by neměli být zpupní' (Bishops should not be arrogant), *Právo*, 10 January 2012, p. 6.

erations. The legality of the restitution process is also challenged by pointing out that churches are favoured over other restituees since, according to restitution law, only natural persons, not legal entities, can obtain property under restitution; this argument is also sometimes used in criticism formulated from religious positions. Furthermore, it is stated that churches should not have these kinds of privileges and benefits.

Last but not least, anti-restitution accounts criticise the politicisation of the restitution process, which is interpreted as an effort by right-wing parties to win the votes of believers. In interplay with the 'clerical lobby', the restitution process is considered a vicious circle, a non-transparent political game between the right-wing government and the churches, especially the RCC.

### *Pro-restitution storylines*

The statements in favour of restitution were strongly defensive and reactive, coming mainly from the editors of centre-right newspapers, church representatives and right-wing politicians. Ordinary citizens, believers and atheists commented on the topic in letters from readers. The arguments could also be summarised as one 'big narrative' reflecting the whole restitution process: the churches, bearers of spiritual, moral and cultural values, with undeniable justice on their side, continually initiated an explanatory public dialogue. However, as the Nazi/Communist practices of the left-wing parties begin to dominate again, a lie-based campaign is being waged against the churches; the churches will only recover a small fraction of their property, which will be challenging to manage, and will thus continue to bear their natural destiny.

This argumentation in favour of restitution of church property is related to (a) the reasons why restitution should be perceived as necessary and just, and (b) the challenges that churches face due to the restitution process and potential separation of church and state. These arguments constituted the two main storylines of pro-restitution discourses, which we call here, according to their overarching meaning, 'justice goes first' and 'the churches' new deal'.

### *Justice goes first*

I will answer very briefly. It is a pity that the problem of restitution is politicised, and it is not understood as a matter of justice. (Jan Graubner, the Archbishop of Olomouc and Metropolitan of Moravia since 1992 and Chairman of the Czech Bishops' Conference from 2000 to 2010, answers in a *Katolický týdeník* the question of how he perceives the discussion about the restitution process)<sup>13</sup>

<sup>13</sup> Graubner, J. in 'Musíme více spolupracovat. Rozhovor s arcibiskupem Janem Graubnerem' (We need to work together more. Interview with Archbishop Jan Graubner), *Katolický týdeník*, 24 October 1993, p. 8.

In reaction to the discursive affronts, the pro-restitution storylines emphasise the churches entitlement to compensation because of the injustices committed against them by the communist regime. According to this argument, churches have a moral right to restitution. Opponents should not try to apply a meritocratic principle based on assessing whether churches deserve financial compensation due to their specific characteristics or the services they can provide. The value of moral legitimacy rather than economic benefit should be the primary consideration when speaking of restitution. A related claim stresses that the churches were the rightful owners of the property that is now in dispute.

Restitution was promised by the government directly after the Velvet Revolution and some preparatory legal steps were even taken (see the above subsection 'Restitution of church property: a brief overview of legal measures'). Thus, under the principle of 'agreements must be respected', another argument for restitution is the emphasis on respect for legal conventions. In this regard, the politicisation of the restitution process is criticised, as political struggles, especially populist criticism of restitutions led by the left-wing opposition, have led to the constant postponement of the law's adoption. Because of this infinite postponement, also referred to as 'unconstitutional inaction', the churches find themselves in an undignified vacuum, waiting for the end result. This situation is all the more precarious because it also affects municipalities, which cannot handle unsettled property until the restitution law is adopted. Proponents of restitution also make more subtle claims for justice in relation to the course of restitution negotiations. They understand the media criticism of the churches, led mainly by the Communist Party of Bohemia and Moravia and the Czech Social Democratic Party, as unfair, false, offensive and an attempt to discredit the churches. The emphasis on moral and legal principles is most evident in the way in which the taxation of financial compensation was refused by restitution proponents in 2018 and 2019. From the beginning, this proposal has been described as unconstitutional.

### The churches' new deal

We can only have real certainty in heaven. On Earth, the forest can burn down, the monetary system can collapse, a business can go bankrupt and an insurance company can siphon off money. We are in a position like any other family. To live, we need to work and take care of ourselves. But our goal is not to accumulate property; it should only serve the purposes of life. (Jan Graubner)<sup>14</sup>

The final storyline refers to the self-reflection of the churches in the time of freedom and to the reflection of their present and future relationships to the state and

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<sup>14</sup> Graubner, J. in 'Otázky a odpovědi k zákonu o nápravě křivd' (Questions and answers to the Act on settlement), *Katolický týdeník*, 27 May–2 June 2008, p. 12.

society. In comparison with previous narratives, these are significantly more future oriented. The churches present themselves as bearers of spiritual and moral, as well as cultural, social and traditional values, and they ask a self-reflexive question of how to combine these abstract attributes with the materiality of financial compensation. There are accounts which reflect the discrepancy resulting from the need to manage property and adhere to spiritual contemplation. The answers on how to cope with this challenge are quite consistent: spirituality comes first; however, financial security should help churches accomplish their mission.

Thus, to fulfil their inner and external social expectations, the churches want to be 'neither rich nor poor'. Pragmatically, they consider funding a necessary condition for their work, which includes distinct types of services to the public (religious, social, educational, cultural, etc.). However, they argue (and this is proven by the calculations of some economists) that, contrary to what the opponents of restitution claim, the amount of property returned is far from sufficient for the full functioning of these churches. Nevertheless, as bearers of spiritual and cultural values with a tradition of more than a thousand years, armed with inner strength, moral continuity and the joy of salvation, the churches will be able to cope with this burden.

The measures to help the churches manage their finances and property in a new way are both solidary and purely economic. According to this argument, the amount of property is not immense; solidarity among the churches will be necessary. Moreover, the believers and other members of this discourse coalition see the churches as potentially more efficient financial managers than the state. Churches stress their modesty, transparency and effective property management, which consists not only of taking care of land, but also of historic buildings, monuments and, in particular, churches.

The argument also claimed that transferring fiscal responsibility to the churches themselves will be economically beneficial for the state and taxpayers, as the state will stop paying salaries to clergy. Among strong opponents of restitution, only this separation of church and state, along with the blocking paragraph, was openly accepted as a legitimate argument for restitution approval.

### *Interplay of storylines: the two ruling principles of the debate*

With the main storylines settled, we need to discuss which are crucial to the discussion. How is it possible that financial compensation was eventually approved in such an atheistic society despite the fact that the opponents of restitution repeatedly underlined that 'the church should be poor'? Which arguments contributed the most to this result?

To understand the church-state-society discursive interplay in the restitution debate, two topics – economic neoliberalism and anti-communism – are fundamental as the predominant depoliticised framing sentiments. There is a fusion

of these two principles in the otherwise competing dominant anti-restitution and pro-restitution discourses. The difference, however, is that, whereas the emphasis on economics persists in the restitution debate, the aspect of justice stemming from anti-communism resonates as the debate escalates. Both opponents and supporters of restitution share the neoliberal sentiment and emphasise its socially oriented effectiveness. They accept the neoliberal doctrine of private ownership and merit, and modify it only by stressing the social and moral dimension – money is to serve as a means, not a purpose. It is, however, effective money management which, argumentatively speaking, rules the debate. Arguments about not only growth and investment but also about economic efficiency and transparent management quickly emerged in 1990 as a dominant theme in the discussion.

This finding resonates with Olga Šmídová's conclusions (2012). She analysed restitution (not only church restitution) in the discourse of the daily *Právo* in 1990. Until 1991, this newspaper was called by its full name, *Rudé právo* (Red Justice) – referring to its history as the central press organ of the Communist Party of Czechoslovakia. This connection was discursively severed in 1991, when the 'Red' attribute was replaced by the subtitle 'left-wing daily'. Šmídová has shown that *Rudé právo* surprisingly and unscrupulously tuned in to the rhetoric of privatisation ideology. According to Šmídová, the market became the link between the then 'right-wing liberals' and the former communists (Šmídová, 2012, pp. 153–154). Although the rhetoric of *Rudé právo* still had reservations about church restitution, it also acknowledged that private property had its place in post-revolutionary Czechoslovakia. As our analysis from 1990 onwards shows, the ideology of the market 'with a human face' persisted as a powerful discursive link for building opinion coalitions. Even the conservative part of the political spectrum used this sentiment to push for church restitution. Churches have tried to avoid concerns about them not being able to manage their property. Since the early 1990s, pro-restitution voices have emphasised that churches will manage their property economically and transparently, with a heavy emphasis on profitable investment. A private owner is perceived as being better than the state. Both the proponents and opponents of restitution additionally agreed that one of the reasons why restitution should take place is that resolving property disputes will allow municipalities to develop and expand their infrastructure.

Anti-communism, as a second shared depoliticised sentiment, could not, of course, be applied across the board since the Communist Party, as a main opponent of restitution, could not deny itself. As Václav Šmidrkal points out in his article on memory discourses about communist state borders in former Czechoslovakia after 1989, two opposing discourses remain in the Czech Republic, reflecting its sharp division along the axis of anti-communism (Šmidrkal, 2017). However, when it comes to the restitution of church property, even contemporary communists rarely question the oppression of churches under communism. And it is this widely shared but long unspoken and materially (via restitution) unresolved injustice which eventually escalated into an emphasis on the procedural aspects of the democratic process, represented by the ruling principle of constitutionality.

Storylines based on anti-communist sentiment came into play at a time of crisis, which with the help of Hajer's methodological tools, can be identified as radical changes in the discursive practices or positions of discursive actors.

The 2012 billboard election campaign of the Social Democrats was one such change, using a caricature of a fat prelate grabbing a bag of money with his hand to illustrate the church's desire for wealth. As we have already mentioned, the anti-restitution narratives were quite durable and compact, and together they formed a coherent 'grand narrative' about the restitution threat. This escalated with the billboard campaign, which was widely referred to as 'anti-clerical' in public discourse. It cleverly linked the two anti-restitution storylines presented above. The billboard shows a fat hand in a robe adorned with a distinctive ring that is about to take a sack from another hand in a blue sleeve. The first hand embodied the greedy church, and the sack full of money was being handed over by the anti-social right-wing government – blue in the Czech Republic is the colour of right-wing parties. In addition, the sign on the billboard facilitated this interpretation: the Civic Democratic Party and TOP 09 (Tradition, responsibility, prosperity 09), two parties on the right, wanted to give CZK 134 billion to the churches. The billboards thus managed to summarise the criticism of restitution by depicting both the 'threat of the ungodly church' and the 'political game of the right-wing government' storylines.

It was also the moment when the discourse of the churches towards the advocates of restitution changed. The billboards functioned as the proverbial last straw, activating the churches' discourse. Readers of *Katolický týdeník* were repeatedly encouraged from that point on to be civilly/politically active<sup>15</sup> and not vote for the Social Democrats because of their manipulation and false practices, despite their social agenda possibly being closely in line with that of Catholic voters. Here, we can again build on Šmídová's (2012) research, which shows that the former communist regime was perceived as the cause of injustice and that Právo also adopted this rhetoric. 'That communism', 'that system', not specific people were blamed for the injustice caused by the past regime (Šmídová, 2012, p. 151). However, it seems that if the culprit is specified, as was the case with the billboard campaign, it is easier to lead the offensive.

The blame for the communist system was widely shared, but at the same time too flat, not offering the possibility of more vigorous action. Suddenly, however, it was possible to name the culprit – the Social Democrats – and relate their billboard campaign to the injustices of the pre-revolutionary communist regime. This changed the church's agenda from defensive to offensive. Only then could it appeal more strongly to the general anti-communist sentiment that everyone understands.

Even in the mainstream media, the sense of injustice was discursively directed towards an 'anti-communist' appraisal of democracy (represented as ac-

<sup>15</sup> E.g. Duka, D. (Chairman of the Czech Bishops' Conference) in 'Předseda ČBK k volbám' (Chairman of the CBK on the elections), *Katolický týdeník*, 22–28 October 2013, p. 2.

tive citizenship and constitutionality) against totalitarianism. By analogy, church restitution is seen here as a democratic mechanism for correcting communism's wrongs and, furthermore, as a means to demonstrate that past totalitarian injustices will not be repeated. As a result of this discursive shift, Act No. 428, 2012, was passed. In its wording, the pro-restitution discourse of the 'justice goes first' storyline, with its stress on anti-communism, was institutionalised, thus confirming its dominance.

The second discursive shift occurred with an even stronger emphasis on anti-communist sentiment in 2018/2019, when the possible taxation of financial compensation was addressed. It was the Communist Party that pushed for taxation in exchange for the support of the populist ruling party. Parliament passed a law to tax the compensation paid to churches. After parliamentary approval, the pro-restitution church discourse was radicalised again. What was only partially visible in 2012 was fully developed in 2018. The anti-communist pro-restitution narrative intensified and turned into a defence of constitutional values. For example, the Ecumenical Council of Churches (ERC) stressed that it is ready to act by all available democratic means against efforts to relativise and legitimise communist injustice. This was also emphasised by the Christian and Democratic Union, which described the Communist Party's proposal as an immoral attack on legal certainties.<sup>16</sup>

Thus, *pro bono publico* (see, for example, Reisigl & Wodak 2000) arguments were employed to show not only the churches' right to justice but also that constitutional values in general and, analogically, the democratic rule of law were at stake. As Stanislav Příbyl, Secretary General of the Czech Bishops' Conference noted, 'If we become accustomed to this "elasticity" of the legal environment, it we might soon lose our right to obtain justice and to protect our dignity, and therefore, we might find ourselves outside the scope of the democratic and legal state.'<sup>17</sup>

Even restitution opponents have stated that the Act on Property Settlement with Churches and Religious Societies (No. 428, 2012) unfortunately completely followed democratic law procedures and is thus legally unchallengeable. The argument of constitutionality prevailed in opposition to totalitarian practices. The Constitutional Court abolished the taxation of compensation in 2019. These are processes that Marteen Hajer (2006) refers to as the structuration and institutionalisation of key narratives.

In the agency that led to the enactment of restitution, the main role was not played by attributes associated with churches, such as spirituality or social services, but rather by the depoliticized moral principle of neoliberal democracy, symbolized by the defence of constitutionalism based on anti-communism (see also Havlík et al., 2014; Kopeček & Petrov, 2016) and economic efficiency.

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<sup>16</sup> 'Poslanci chtějí zdanit náhrady' (MEPs want to tax compensation), *Katolický týdeník*, 6 March 2018, p. 1.

<sup>17</sup> Příbyl, S. in 'Znovu omílané restituce' (Repeated talk on restitution), *Katolický týdeník*, 12 June 2018, p. 8.



## Conclusion

The argumentative analysis we have used has allowed us to reveal the nuances of the main storylines in the media debate on the church property restitution. We have identified (past-dependent) intersecting sentiments: (a) anti-communism, with its stress on the principle of democracy and constitutionality; and (b) neo-liberalism, with its emphasis on private ownership and economic efficiency – both of which served as key arguments in realizing the outputs of the restitution debate. These framing sentiments reflect highly shared principles which enable them to set the boundaries of what is acceptable to say. Thus, they serve as discursive limits that are difficult to exceed.

In short, the claims of atheists or believers about the spiritual or social role of churches in contemporary Czech society have not been the key arguments in resolving the fierce media debate about the restitution of church property and have not helped to achieve a legal settlement between the state and the churches. Rather, the key role was played by fears of the disruption of democratic processes and the possible return of a totalitarian regime – a widely shared depoliticizing sentiment in the Czech media debate on restitution. Constitutionality and private ownership were perceived as a shared, unsurpassable moral base, and this brought the two polarised sides of the debate a little closer together.

Further research should focus on a careful comparison of the media debate on the restitution and (potential) separation of church and state in the Czech Republic and other Visegrad countries. It can be assumed that in Hungary, Slovakia and Poland, discursive coalitions are forming around the role of churches in nation-building. This closer connection with the state allows churches to hold a more discursively accommodating position in case they want to continue to be financed by the state, whereas in the Czech Republic, as our research shows, churches come to be seen as moral when they present themselves as responsible neoliberal private owners, able to financially support themselves and finance, or at least co-finance, activities which, in the eyes of the public, are the subject of their business (e.g. charity, care for historic buildings).

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