

Rethinking the Churches' Place in Society: the Parliamentary Debate on Church Property Restitution in the Czech Republic¹

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ABSTRACT

In order to fill a gap in the literature and illustrate what a public debate on religion might look like in a country as unchurched as the Czech Republic, this article consists of a thematic content analysis on a parliamentary debate related to church property restitution. Transcripts of the debates in the Chamber of Deputies of the Parliament of the Czech Republic on the 2012 Church Property Restitution Bill were used to answer theoretically and empirically informed questions pertaining to secularization. The main finding was that it was not necessarily religion but rather matters of finance, legality, and procedure that figured most prominently in the debate. Despite this, closer analysis revealed some relevant reflections on religion, most notably on what sort of relation churches and religious communities should have with the state. The main takeaway from the research is that Members of Parliament acknowledged low individual-level religiosity and did not promote something resembling the concept of vicarious religion. These speeches were overall interpreted to be more in line with advocating secularization rather than desecularization.

KEYWORDS

secularization, church property restitution, Chamber of Deputies of the Parliament of the Czech Republic, Church Property Restitution Bill.

¹ This article is an adaptation of my MA thesis titled 'Contemporary Public Debate on Religion: Parliamentary Debate on Church Property Restitution and its Taxation in the Czech Republic' defended in 2019 at Charles University in Prague and University College London. Source: Fila, 2019.

Introduction

In 1967 the renowned sociologist Peter L. Berger predicted that the modern world would be witness to a linearly progressing decline of religion (cf. Hjelm 2018). This sort of prediction was at the centre of the so-called secularization thesis - the notion that modernization brings with it a decline in the importance of religion. In 1999, however, Berger stated that “the world today is “[...] as furiously religious as ever it was, and in some places more so than ever” (Berger 1999, 2). But while the initial predictions of Berger and similarly oriented social scientists have not come true globally, there are nonetheless countries where it might seem that secularization has been a successful and even completed process.

The Czech Republic, a country often colloquially described as the most atheist country in the world, may be seen as just such a case. Czech census data do indeed tell the story of a considerably low number of religiously affiliated citizens, of a country where a steep decline in church-belonging over the years has been recorded, especially in the current, post-communist period. Considering, for instance, that the number of non-religiously affiliated citizens was around 56% in 1991, and that in the span of 30 years that number rose to around 78% in 2021, the Czech Republic does truly represent an exceptional case (Czech Statistical Office, 2022).

Despite this, existing academic research shows us that we are dealing with a more complex religious situation. Surveying religiosity reveals that even though Czechs do indeed show a very weak belief in traditional aspects of religion², they nonetheless demonstrate a non-negligible affinity for what has been dubbed alternative religiosity (Hamplová and Nešpor 2009). What is more, historically oriented work does not primarily relate the “unchurched” character of Czech society to the triumph of rationality, modernization or to communist suppression, but rather to questions of nationhood and identity. One of the strongest path-defining factors of Czech irreligiosity is thus said to be found in nationalist identity-building practices of the 19th century, more specifically in the clash with the Catholic character of the Habsburg Monarchy, later Austria-Hungary (Hamplová and Nešpor 2009).

While existing research covers considerable ground on various facets of the Czech case, such as quantitative data on citizens, historical perspectives that explain what shaped the Czech context, and church-state relations from a legal point of view, it is lacking in terms of qualitative accounts that deal with how the relationship between the churches and society has been negotiated in the political arena. Fortunately, a contemporary debate lends itself well to analyzing this missing aspect. After a more delayed process than was expected (Spalová et al., 2023), in 2012 the Czech Republic set out to restore property that had been confiscated from the churches by the communist government after 1948. Petr Nečas’ government of the time thus drafted the Church Property Restitution Bill and put it up for discussion in the Chamber of Deputies, the lower house of the Czech Parliament. The bill proved to be highly divisive and controversial, passing with only a narrow margin after it had been rejected in the Senate, the upper house of the Czech Parliament. That was not the end of the debate, however, as a proposal to tax the property restitutions found its way to the floor of the Chamber of Deputies MPs in late 2017. This proposal was likewise hotly debated, likewise rejected by the Senate, and likewise ultimately passed in May 2019, although it was later annulled by the Constitutional Court. Analyzing the first debate³ on church property restitution, as it took place in the Chamber of Deputies of the Czech Parliament, forms the subject of this article as an empirical contribution to the research on religion in the Czech Republic. The main and key research question it tackles is: what sort of a place for churches did the Members of Parliament envision in society when they discussed church property restitution? By looking at this issue, the goal is to gain a better understanding of the dynamics of the church-society relationship in a very specific case, where striving towards secularization is expected but where a proposed law seemingly goes in a different direction.

The public role of churches

Debates concerning the restoration of church property specifically touch on the relationship between

² For instance, belief in God or in an afterlife etc.

³ Extending the analysis to the second debate would have been beyond the bounds of a journal article.

church and society. In a broader sense they also deal partly with secularization. Secularization has many definitions, but usually the term refers to: “[...] actual or alleged empirical-historical patterns of transformation and differentiation of the institutional spheres of “the religious” (ecclesiastical institutions and churches) and “the secular” (state, economy, science, art, entertainment, health and welfare, etc.) from early modern to contemporary societies” (Casanova 2009, 1050). The secularization thesis, by contrast, goes a step further and proclaims an imminent end to religion as modernization marches on. The contemporary meaning of the secularization thesis may, however, contain five aspects or claims: modernization and secularization come hand in hand, individual-level religiosity is diminishing, science is the most “deadly” aspect of modernization, secularization is irreversible, and the secularization thesis is applicable globally (Stark 1999). Much criticism has been mounted against this thesis, and against the last aspect in particular, if we remember Berger’s words about the world being as furiously as religious as ever as an example. Berger (2019), instead, went on to talk about desecularization as a process of resurgence of religion in public life. While there are still merits to the secularization thesis, it can be argued that it is only Europe (its Eastern part excluded) that has witnessed strong secularization (Davie 2002). Habermas (2006) likewise considered that religion is not simply fading away and talked about post-secularism, pointing out nonetheless that religious arguments should be translated into secular ones when found in formal political debate. The implication for the debate at hand is that this position allows us to observe whether the advocacy in favour of property restitution was presented with universal arguments, such as righting past wrongs, or with a more religious argument, recognizing religion and thereby the churches’ place in society. In the secularization-desecularization debate it is also useful to refer to José Casanova’s term *privatization of religion*, which denotes the process by which religion loses its place in the public sphere. The concept is used when describing secularization in Europe, where, according to Casanova (1994, 211) it represents one of the three dimensions of secularization: 1) differentiation of the secular spheres from religious institutions and norms; 2) decline in religious beliefs and practices; 3) the privatization of religion. This third dimension is also particularly interesting to keep in mind for framing the analysis because the conviction that religion should remain a private matter might have influenced the positions of the law’s opponents, who may have thought the churches’ claims to property and public recognition went beyond this idea of privatized religion. The concept also opens up the question of whether some actors thought that institutional revival might mean a revival in beliefs and practices. At this point, an additional useful concept comes into the play. Vicarious religion is “the notion of religion performed by an active minority but on behalf of a much larger number, who (implicitly at least) not only understand, but, quite clearly, approve of what the minority is doing” (Davie 2006a). Arguing the importance of this notion can be seen as an extension of recognizing that historic churches “still have a place at particular moments in the lives of modern Europeans [...]” (Davie 2006b, 23). Critics of this concept, such as Steve Bruce and David Voas (2010), point out that popular sympathy for the churches and their social roles does not necessarily mean approval of religion and of vicariousness. The notion of an active minority performing religious work seems to be applicable nonetheless because the religious and churches are indeed only a minority in the Czech Republic. In order to prove that vicariousness was advocated in the speeches analyzed, we would need to see statements about the *citizens* wanting the churches to prosper from restored property because *they* approve of the social roles the churches can fulfil. Finally, yet another concept might be of relevance, even if only a marginal one in the Czech case. ‘Believing without belonging’ is a rather self-explanatory concept. At its core is the idea that there is a “mismatch between different measurements of religiousness” (Davie 2008). When we apply it to the Czech case, it may mean that indicators of belief in spirituality should be taken as a sign of believing, whereas other data, which show that church affiliation and inclination towards “harder” measures of religiosity are low, are a sign that there is no belonging. Although the concept lends itself more to research on citizens, we can try to ascertain if speakers in the parliament show, in any way, knowledge of citizens’ religiosity and if they mention the religious needs of the non-belonging citizens.

Aside from these linkages with the broader secularization vs. desecularization debate, the functionalist approach to religion may also come into play as debating religion can also contain specific references to the roles and functions religion may perform. Based on getting acquainted with the Czech case and imagining what a potential debate might look like, I created a typology of roles that could be encountered

in the material analysed. The six possible roles concern only traditional religion's potential public role because the issue in this article is to see if supporting church property restitution was related to wanting a greater presence of churches in the public sphere. The roles and their short descriptions can be set out as follows:

- religion as a component of national identity → linking the history of the nation with a particular church or churches and tying national identity to it (Shady, 2022)
- religion as a defender of morals → religion as an “ally” of traditional values and of conservatism as a political ideology (Caprara et al., 2018)
- religion as a provider of charity → care for the most unprivileged members of society (O'Halloran, 2010)
- religion as a boost to public institutions → participation in social services such as education or healthcare (Berger, 2015)
- religion as a provider of spirituality → based on the presupposition that people have religious needs i.e. a desire for the transcendent, as seen e.g. in the *homo religiosus* concept (DuBose, 2014)
- religion as a nourisher of the community → strengthening of social bonds by means of rituals, norms and traditions, and through individual's participation in them (as seen e.g. in Emile Durkheim's approach to religion)

Religion and religiosity in the Czech Republic

As was mentioned in the introduction, census data shows that the number of religiously affiliated Czechs dropped significantly after 1950. The Catholic Church started witnessing a decline even some time before that. The Czech churches were on the rise leading up to 1950, but they too have been losing members since then. After 1991 the undeclared and the explicitly non-religious made up a little over half of the population, while as of 2021 they make up almost four fifths of the population.⁴

Quantitative research (e.g. European Commission 2010; Hamplová and Nešpor 2009) tells the story of low belief in aspects of traditional religiosity such as belief in God but it has also noted discrepancies pointing to the believing without belonging concept (Lužný and Navrátilová 2001). Moreover, a surprisingly high number of those who believe in some elements of spirituality⁵ has been recorded (Hamplová and Nešpor 2009). As in some other countries, older generations have a closer affinity towards traditional religiosity than the younger ones (Laudátová and Vido 2010). In short, the data show grounds for describing Czechs more as *unchurched* or *apathetic* (Lužný and Tlčimuková 2013) towards religion rather than as being strictly irreligious.

There are historical reasons for this. The 1000 years of presence of Christianity in the Czech lands have been characterized by sharp rifts between Protestantism and Catholicism (Štěch 2010). Hussitism and the figure of Jan Hus with his idea of corrupt (Catholic) churches that need reforming still carry symbolic importance for national identity to this day (Štěch 2010). Coupled with forced catholicization, which took place especially after the 1620 Battle of White Mountain, these are the key aspects in Czech history on which anti-Catholic sentiments can be and are built even today. In more recent history it is the mid-19th century national revival movement which is considered to be the crucial point that ultimately tipped the Czechs towards not being religiously affiliated. The briefest explanation would be that as national consciousness grew, negative perception of Catholicism arose in opposition to the Catholic Habsburg Monarchy, embracing Hussitism as something closer to the national tradition (Nešpor 2004). It is then the period of the First Czechoslovak Republic (1918–1938) that saw the process continue. This period is said to have been characterized by “[...] a rising distrust towards religious institutions, a tendency for privatization of religions and a growing indifference towards religion” (Václavík et al. 2018,

⁴ For more on Czech census data see: Václavík et al. 2018.

⁵ This includes elements such as horoscopes, good luck charms, fortune-tellers, faith healers and supernatural power.

101), although some former Catholics joined the newly established Czechoslovak (Hussite) Church” (Nešporová and Nešpor 2009). After World War II, the deportation of ethnic Germans contributed to the loss of the Catholic Church’s members, and the communist regime afterwards played a part in suppressing the churches, including the distinctly Czech ones. Although the communist regime was indeed strongly anti-clerical, it might not have played a key role in the forming of Czech irreligiosity and secularity (Nešporová and Nešpor 2009, 1219). Still, the reason why communism in the Czech Republic may seem successful in suppressing religion is that “classical Marxist interpretations of religion built on and drew its credibility from nationalist anti-Catholicism of the pre-WWII period” (Václavík et al. 2018, 102). Finally, the fall of communism brought about some religious revival; (traditional) religion was said to have re-entered public life (Lužný and Navrátilová 2001). The revival was short-lived as, in a 2004 snapshot of religious processes in the Czech Republic, Nešpor (2004) claimed that the country was characterized by: out of church movements, strong anti-clericalism, de-traditionalization, the rise of new spiritual outlets (New Age or Pentecostalism), although also by a certain de-privatization of traditional Christian beliefs. Regarding the last point, it was also remarked that religion “returned to politics” and “took part in policy and making and parliamentary coalitions”, but it was claimed that religion should not be considered “too powerful” (Nešpor 2004, 287). When trying to explain why religious organizations account for one of the least trustworthy public institutions in Czech society, this was said to be affected by disputes over restitutions of church property, among other things (Václavík et al. 2018, 108). To conclude, the “over-secularized” Czech society is being and will increasingly be faced with post-secular trends (Nešpor 2018).

Church property restitution in the Czech Republic

Church property restitution in the Czech Republic was not only a topic of debate in and around the period when the Church Property Restitution Bill was being drafted and voted on but has also been discussed throughout the post-communist period. There are also some historical contentions contextualizing it. Two points can be singled out: the Catholic Church acquiring non-Catholic property after the Battle of White Mountain (1620) and the reforms (1781) of Joseph II which implemented greater control of church property. There were also three land reforms in the 20th century, which figure prominently in the debates on property restitution. 1918 marked the beginning of the first land reform (*pozemková reforma*) under the terms of which all church properties greater than 150 hectares were supposed to be nationalized. The second land reform of 1947 was a revision of the first one and now ordered the nationalization of all property larger than 50 hectares. Even though churches lost property as a result of these two reforms, neither of them was the subject of the 2012 restitution bill. The bill sought only to restore property confiscated by the communist reform of 1949, which gave the state full control over church property.

Looking at the post-communist period, in 1990 there was a so-called Enumerating Law (*výčtový zákon*) which returned a total of 170 properties to the churches.⁶ This law did not entail financial compensations, nor change anything about the relationship between the church and the state. In another law in 1991, a so-called blocking article (*blokační paragraf*) was introduced, and ordered that all property that had been taken from the churches by the communists may not change ownership until a new church property law was implemented. Obviously, this blocking paragraph is of significance to the 2012 Church Property Restitution Bill because it added pressure to pass some sort of law dealing with church property. There was some property restitution in the period between 1996 and 1998 authorized by executive power. In 1999, however, a law was passed in order to forbid restitution by any other means than those based on a specific law. In the very same year there was an attempt by the government of Miloš Zeman to create another enumerating law, but negotiations with the churches failed. Another attempt was undertaken in 2001, but also did not result in any law or action. Three additional enumerating proposals were presented between 2003 and 2006, again failing to achieve mutual agreement between the parties involved. In 2007 the government of Mirek Topolánek made it a priority to solve church property restitutions. In 2009 a church property restitution law entailing restoration of one third of property and 83 billion Czech

⁶ Unless specified otherwise this paragraph is sourced from Macíková, 2013.

crowns of compensation for the other two thirds was proposed in the Chamber of Deputies but was rejected. It was finally when Petr Nečas became prime minister in 2010 that the issue of restitutions was to be solved as soon as possible, resulting in the putting forward of a new bill.

The bill titled *Zákon o majetkovém vyrovnání s církvemi a náboženskými společnostmi*, which is translated as the Church Property Restitution Bill, was presented for parliamentary discussion in January 2012. It sought to return property confiscated from February 25th 1948 to January 1st 1990. However that was not feasible for all property, so financial compensation was planned as well. The compensation, which was to be paid out annually for 30 years, was proposed to stand at 59 billion Czech crowns, while the value of the restored property was estimated at 75 billion Czech crowns. Aside from the aims of restitution and compensation, an explicitly stated goal was to achieve the separation between the church and the state. As per the heading 3, article 17 of the law, the state would pay a contribution to the support of the churches for the 17 years of the law being in force (therefore ending this payment in 2030), gradually reducing the amount from the fourth year. The bill went through a heated debate in the Chamber of Deputies, but was ultimately passed in November 2012, even though the Senate rejected it beforehand. President Václav Klaus did not sign the bill, but also did not return it for further discussion, and so the bill came into force from the beginning of 2013. There were two complaints to the Constitutional Court about it that ended up being rejected.

Finally, there was a proposal to tax the church restitutions, initiated in 2017. The proposal officially titled *Novela zákona o majetkovém vyrovnání s církvemi* can be referred to as The Proposal to Tax Church Property Restitutions. It was put forward by 15 Chamber of Deputies MPs of the communist KSČM party and represents an amendment to two articles of the 2012 law, removing obstructions to taxing the financial component of the restitutions. The amount of tax applied was set at 19%. The taxation proposal was accepted in the parliament (after being rejected by the Senate, however), signed by President Miloš Zeman, and published (May 16th, 2019) in the Collection of Laws with the implementation date set for the beginning of 2020. However, complaints to the Constitutional Court challenging the proposal resulted in the Court annulling the taxation (Mld, 2019).

Methodology

Sources

This article operates with primary data, transcripts of parliamentary debates obtained from the official website of the Chamber of Deputies of Parliament of the Czech Republic. All of the sources were in Czech, and translations of passages quoted from them are my own. The bibliographic record which encapsulates all of the debates and the transcripts related to them can be found in the references (Chamber of Deputies of the Czech Republic, 2025a).

As was explained in the introduction, this article only analyses the first debate related to the 2012 *Church Property Restitution Bill*. This bill went through three readings, as well as a final discussion. The third reading included a repeated discussion, which means the total number of debates is five. These readings spanned the period from February to November 2012.

Research questions

The key and most general research question should be stated once more: what sort of a place for churches did the Members of Parliament envision in society when they discussed church property restitution?

While the question is a good starting point which also acts as a common denominator for all that is to be analysed, it is undoubtedly somewhat broad. Based on the need to answer directly more specific aspects of the key question, as well as on the need to link theory and existing research with analysis, additional questions have been formulated. First of all, when asking about *what* was being said in the debates, firstly the question was what were the main arguments used to support church property restitution, and those used to oppose it? The desire was not to just plainly list the arguments but to see

whether or not religion itself figured prominently in them or if the debate or if the claims were more universalist, i.e. not concerning religion. Given that history was deemed by existing research to be one of the key factors shaping Czech irreligiosity, it was also necessary to see if the Czech Republic's religious past was mentioned in the debates and how the Catholic Church was portrayed in light of it. In addition, as was explained in the section on existing research, low levels of individual (traditional) religiosity are an important characteristic of present-day Czech society. Therefore, there was a need to discover if religion itself was being discussed, but also if low levels of (traditional) religiosity in the Czech Republic was being linked to the issues of restitution, and if so, how? It was also interesting then to see how the speakers portrayed the "will of the people". In addition, theory provides various conceptualizations of the role of religion in society. In what is, in the sense of looking for latent meaning, a distinctly analytical endeavour, I have tried to see what sort of conceptualizations of the relationship between religion and society are present in the debates and what roles were envisioned for religion. Ultimately, an important question was whether the church property restitutions were supported by a desecularization logic.

Thematic content analysis

The article employs thematic content analysis and takes into account that the line between qualitative content analysis and thematic analysis is not fully clear-cut. Thematic analysis is considered to be a foundational qualitative method, one that is not necessarily very well developed, but is often used (Bryman 2012). The essence of the method lies in dubbing its categories of content as themes and then trying to discern them in the text, primarily by looking for repetition (Bryman 2012). Indeed, if qualitative content analysis is described as "[...] as a strategy of searching for themes in one's data [...]" (Bryman 2012, 559) it seems there is little difference between it and thematic analysis. However, themes should not be generated on the basis of repetition alone; there should be relevance to the theoretical framing and research questions (Bryman 2012). Therefore, all the themes that were generated in the analysis fulfil this aim. Six steps were followed in the analysis: 1) familiarization with the material; 2) initial coding; 3) identifying themes; 4) reviewing themes; 5) defining themes; 6) evidencing themes (as per: Clark et al., 2021). Sub-themes (if present) are also assigned and represent more specific aspects of defined themes. Furthermore, when presenting them the goal was not to use quantification, but rather to demonstrate various sub-themes of each theme and exemplify them with quotation.

The debate on the Church Property Restitution Bill (2012)

The 2012 debate proved to be an extremely lengthy discussion, ending with a very close⁷ voting outcome. The division between those in favour and those against the bill was quite clear: it was the ruling coalition (parties of a more right-wing bent) at the time which proposed and supported the law:

Supporting parties	Opposing parties
Občanská demokratická strana, ODS (Civic Democratic Party)	Česká strana sociálně demokratická, ČSSD (Czech Social Democratic Party)
Tradice Odpovědnost Prosperita, TOP 09 (TOP 09 - Tradition Responsibility Prosperity)	Komunistická strana Čech a Moravy, KSČM (Communist Party of Bohemia and Moravia)
LIDEM – liberální demokraté (LIDEM - Liberal Democrats)	Věci veřejné, VV (Public Affairs)
	Národní socialisté - levice 21. století, NÁR.SOC (National Socialists – Left of the 21st Century)

Table 1. Supporters and opponents of the bill, sorted by number of seats

As for what the main arguments were, a quick skim read would reveal that the key points presented in the debate had little to do with reflecting on religion and its role in society. The most prominent supporting argument was the oft-repeated motto (even among the opposition, with the exception of KSČM) "what was stolen, must be returned". Overall, the most common and repeated arguments are the ones which

⁷ The bill was passed with the support of 103 MPs, 101 being the minimum requirement for a bill rejected by the Senate to pass.

relate to questions of state finance, legislation and procedure. Those pertaining to state finance are of a strongly critical nature and perceive the amount of money that was to be given to churches as simply too high. “These amounts are not small”⁸, many proclaimed, further lamenting the fact that inflation might increase the financial compensation, that the government is giving out large sums of money at a time of economic recession, that the compensation is based on overpriced calculations, and ultimately that the 30-year payment period would be a burden for future generations. Legislative arguments, on the other hand, were present in the speeches of supporters of the bill who referred to the Constitutional Court of the Czech Republic’s ruling that property must be returned to the churches, and that the 20-year blocking of its restoration must be resolved. The opponents, however, took issue with the non-existence of a clear and transparent list of property that was to be restored. Finally, procedural arguments refer to the opposition’s criticism of the lack of theirs and the public’s involvement in the drafting of the bill.

Despite presenting the key points of the debate as not related to religion and the churches’ place in society, there is nonetheless some fruitful, above all relevant, material to be uncovered. The bill’s opening speech by Minister Alena Hanáková, in which she quite explicitly states that the goal of the law is not only to right past wrongs and to conduct property transfer but also to sort out the relationship between the churches and the state, confirms this. Overall, four themes *related to religion and church-society relations* have been singled out:

	THEME	MAIN ARGUMENTS	LINKS
1	The churches should not be more privileged than other social actors	<ul style="list-style-type: none"> State money should be spent on those in greater need than the churches Churches should not be given greater compensation than citizens who had already gone through the restitution process 	Linked with theme 3 – churches being at odds with citizens
2	The churches care too much about their material interests	<ul style="list-style-type: none"> People will stop believing the churches due to losing respect for them The churches have mainly their material interests at heart, whereas their spiritual and charity role is neglected 	Linked with theme 3 – churches being at odds with citizens
3	The churches are at odds with the people	<ul style="list-style-type: none"> Czech people do not support church property restitutions The entire nation will have to pay for the churches There are historical grievances between the Czechs and the Catholic Church 	<p>Linked with theme 1 – churches should not be more privileged than other social actors</p> <p>Linked with theme 2 – the churches care too much about their material interests</p>
4	The churches should become more independent of the state	<ul style="list-style-type: none"> The publicly beneficial activities of the churches will be further developed A step towards becoming a “modern, confessionally neutral state of the 21st century 	The only pro-restitution perspective

Table 2. An overview of the themes, the main arguments employed, and how the themes are linked together

⁸ The example quoted is by ČSSD’s Bohuslav Sobotka.

Theme 1: The churches should not be more privileged than other social actors

Topics of allocating state funds open up questions about who to give money to and why. In this specific case, the opponents of the law saw a twofold issue with, as they would describe it, *awarding* the churches property and financial compensation:

- State money should be spent on those in greater need than the churches
- Churches should not be given greater compensation than citizens who had already gone through the restitution process

Despite finding itself in a satisfactory economic situation at the time of the writing of this article, in 2012 the Czech Republic was still recovering from the economic recession. This strongly influenced the perception of restitutions. Moreover, the government had already been implementing some budget cuts, all the while planning some others, which opened up the field for the opposition to strongly condemn not prioritizing other social groups. A good example of such condemnation is the critique ČSSD's MP Jaroslav Foldyna articulated: "[...] in 24 months you have been able to take money from the underprivileged, children, disabled people, pensioners, and you have aggravated the situation of all those who are working by the fact that you have increased value added tax" ... "now you want to give out property". Concerning the differences in the amount of financial compensation that was given to citizens in the restitution processes and the amount proposed to be given to the churches by the bill, it suffices to say that critics deemed the prices to be higher than market prices, as well as the prices paid out to other restituted:

If the market price of land is today about 10 CZK per square metre for agricultural land, and if the estimation which the Minister has been unable to defend stands at 44 CZK, I wonder if this is the same equal approach as to the restituted from the 90s, who received a fraction of the property that had been confiscated and stolen from them.⁹

In the same manner that the communist property transfers were considered to be a form of injustice, many MPs pointed out the differing restitution compensations as yet another form of injustice. Firmly claiming that the rules must be the same as they were for the individuals who had already gone through the restitution processes played well into another theme, namely that the interests of the churches did not match the interests of the people. Despite this, both facets of the issue presented within this theme point the finger primarily at the ruling coalition and at the faults of its proposed bill. There was, however, also criticism which pointed the finger at the churches – the beneficiaries of the bill.

Theme 2: The churches care too much about their material interests

Some, predominantly KSČM members, also saw the root issue in the churches *themselves* and their posited greed. As was the case with the previous theme, there exists a twofold aspect of how greed is brought into relation with the churches:

- People will stop believing the churches due to losing respect for them
- The churches have mainly their material interests at heart, whereas their spiritual and charity role is neglected

The two arguments are not entirely distinct but it should be acknowledged that some speakers presented the first one as that of voices concerned about the future of the churches. The ČSSD's David Rath, for instance, said that: "...with this law you are harming the churches the most, and you are harming the Catholic Church as a whole the most, and its history, prestige and importance in society". The two arguments were not, however, always kept separate, as can best be noticed in the KČSM's Vojtěch Filip's following statement: "[...] it¹⁰ will destroy the churches, because the people will stop

⁹ By Jeroným Tejc (ČSSD).

¹⁰ The restitutions.

believing them” ... “no one can ever believe those who only aspire to property”. And if the churches are primarily oriented towards material interests, that would also mean they are not fulfilling their essential function(s). “For all citizens, today's session is just a message that the churches are not about spirituality, but only about money”, said MP Pavel Ploc from ČSSD. What is still interesting and worthy of mention is that some MPs hypothesized a causal link between the greed of the churches and the declining number of believers in the Czech Republic – as seen in KSČM's MP Miroslav Grebeníček's speech:

Indeed, people in our country are turning away from the established churches, which is undoubtedly the result of the fact that they only associate the desire for property with them, not the desire for spiritual values and the renunciation of affluence and dedication to the poor and needy.

Beyond mere attributions of greed to churches, historical perspectives played a tremendous role in supporting the characterization of greedy churches. The crux of the debate can, yet again, be shown to be two-fold. First, there are contestations of the right to property of churches. The example of the words of the NÁR.SOC's MP Jiří Paroubek demonstrates very direct questioning:

In the past, the Catholic Church did not have legal subjectivity in Czechoslovak law. Its property was a remnant of feudalism. In other words, the vast majority of the immovable property claimed by this church has never belonged to the Catholic Church in the true sense of the word.

This represents a harsher form of criticism that not all parties, the ČSSD in particular, were too keen on. In fact, the social democrats tended not to look too far back into history. For the social democrats, however, the churches were indeed seeking property that did not belong to them, but this is mostly because the bill's estimate of the property to be returned seemed to indicate that it would include properties taken from the churches in the 1918 and 1947 land reforms. Aside from the fact that returning those properties would mean challenging parts of Czech history that are much less contentious than the communist rule, MPs feared, among other things, legal proceedings from certain other parties¹¹ who could claim to have lost out in the two aforementioned reforms or as a result of other pre-1948 property transfers. Going back to harsher criticism of the churches, out of all the historical linkings, a very prominent one involved mentioning the former Czech cardinal František Tomášek. His words from 1991, in the aftermath of the Enumerating Law, about the law being “the last claim that the churches present” and that “churches must show solidarity with the people” were used to portray the current church leaders as having become corrupted by material interests. The churches are therefore not just portrayed as being hypocritical due to having material interests at their heart, but also due to changing their attitude from the early 1990s. The KČSM MP Grebeníček's mentioning of Masaryk's critique of the Catholic Church that contains the advice to depoliticize it due to its desire for big economic and political power is yet another good example of crucial episodes from Czech history being utilized. Grebeníček and a few other MPs also brought Jan Hus into the discussion, linking his critique of the Catholic Church with that very church's posited greediness in the present day. To conclude, we may also have a look at KČSM's Miroslav Opálka's criticism that is all-encompassing of historical topics:

We are basically discussing a... bill which is a denial of the progressive traditions of our nation, which is the ultimate defeat of the Hussite movement's ideas, the completion of the defeat at White Mountain and the rejection of the foundations on which our presidents Masaryk and Beneš were building our statehood...

Theme 3: The churches are at odds with the people

A crucial part of the debate was also the repeated claim that the government was ignoring the will of the people. “The government is... panically afraid of the opinions of its own citizens”, said the ČSSD MP Bohuslav Sobotka. The predominant argument was simply that the Czech people did not support church property restitutions. Naturally the outcomes of surveys which demonstrate strong disapproval

¹¹ The deported Germans, for instance.

of church property restitutions were mentioned, with the percentage of people against them being quoted as ranging from 70% to 90%. Very much related to the surveys is another point of criticism: the ruling coalition's refusal to hold a referendum relating to the bill. But what about the churches and their relation to the category of the people?

First, one of the critiques was that the Church was not even striving for restitutions in order to benefit its own believers. As per ČSSD MP Jaroslav Foldyna:

My colleagues, at this moment and here this is not about believers! It is again and again about mammon! Mammon and world power, as we witnessed in the 15th century! The Church wants to regain its money and its influence [...].

However, it was more often pointed out that people in general, believers or not, would suffer due to the law. The cause of their suffering would be having to pay for the restitutions from their own pockets. ČSSD MP David Rath's claim exemplifies this sort of reasoning: "[...] it means that the entire nation will pay for a relatively narrow group – beware! - not a group of believers, but for a relatively narrow group - let's call them church management". Further strong claims about the churches being against the people were made when referencing privatization. The church property restitutions were said to be "the largest property transfer since the voucher privatization"¹² and were said to carry a similar risk of injustice being done. The words of MP Grebeníček demonstrate linking the church heads with profiteers: "now that various ecclesiastical prelates and lobbyists have joined those groups of people interested in state property, let's not call it a property settlement of the state with the churches".

Finally, the reader may have already noticed that the Catholic Church was singled out for criticism. The Catholic Church is indeed the dominant church in the Czech Republic and about 80% of the restitutions concerned its property and money. This did not go unnoticed, either on a subconscious level of talking about an agreement between *the church* (not churches) and the state, or on a more conscious level in the critique of the Roman Catholic Church. Some MPs objected to the historical wrongdoings of the Roman Catholic Church, such as the KSČM MP Pavel Kováčik who pointed out "that we also do not like the way the Catholic Church has dealt with the legacy of Jan Hus or the witch trials, and yet we do not mention it". If we look at the words of ČSSD MP David Rath, we will also find the historical Protestantism vs. Catholicism thread: "[...] Protestants are far more modern and better, they are not as fixated on property as the Catholic Church". The previous theme showed that property claims were contested with the help of history, use of which could further be augmented by taking issue with the Catholic Church, e.g. as per KSČM's Miroslav Opálka: "today you are dealing with the property of the Roman Catholic Church, but property before the Battle of White Mountain was often Protestant".

Theme 4: The churches should become more independent from the state

One of the key reasons explicitly listed in the introduction of the 2012 bill was that it would achieve greater independence of the churches from the state. Furthermore, aiming for greater independence was understood as a step towards becoming a "modern, confessionally neutral state of the 21st century".¹³ While some of the opponents of the law expressed the belief that restitutions were drawing the churches away from their socially beneficial activities, Minister Hanáková expected that "[...] the publicly beneficial activities of churches in the field of social welfare, health care or hospices will be further developed after the adoption of the proposed law". Perhaps more curious than a generally centre-right wing bloc of parties wanting more separation between the state and the churches was the lack of support for the same from one segment of the opposition. The future prime minister and at the time ČSSD MP Bohuslav Sobotka claimed that the churches played an important role in Czech society and wondered how some newly founded churches "which might be close to the citizens" would survive financially if support from the state were to be decreased. His party colleague Dana Váhalová agreed by also claiming that churches played an important role in the society and was more in favour of cooperation rather than separation, like the KSČM member Stanislav Grospič. The ČSSD's alternative to the restitution bill

¹² Speech by Antonín Sed'a from the ČSSD.

¹³ As noted in the introductory speech by Minister Alena Hanáková.

would have been to create a public fund which the property would pour into and which would be used to finance the activities of the churches. Of course, there were some opposition members who agreed with the goal of separation but the vagueness of the drafting of the bill and the differing views of the opposition made it seem as if the politicians were not quite sure what to think on this most abstract, church-state relations level of the issue.

Discussion

Four themes and their content have been presented. When looking at the content of the whole debate, we may argue for a quantitative primacy of legal and financial arguments. Yet the debate on property restitution contained notable exemplifications of the historically conditioned Czech anti-clerical attitude, or rather of Czech Anti-Catholic views. Historical figures and events such as Jan Hus, the Battle of White Mountain, and Tomáš Masaryk were evoked as criticism of the Roman Catholic Church, whose historical right to property was challenged as well. In short, the historical context proved once more to be important in clarifying the religious situation in the Czech Republic.

This finding goes to show that analyses of secularization-desecularization dynamics need to take specific path-dependence matters into account when making broader claims about secularization. Aside from historical links related to the chronology of restitutions and the general relation between the Czechs and the Catholic Church, the struggling economic situation of the time needs to be pointed out as another relevant factor. But more importantly, the political side of the debate matters a great deal as well, namely when realizing that the positions of the parties analysed reflected their ideologies and intra-party positioning. For the centre-right ODS and TOP 09 the focus was on trying to fix the injustice communism had done to the churches, for the communist KSČM it was the reluctance to give property back to the churches, while the social-democrat ČSSD's approach was framed around proposing to maintain some sort of cooperation between the state and the churches. According to Frantová and Haas (2023), another important element of the political context is that the debates had been framed around the principles of economic liberalism, meaning that most actors agreed on private ownership and that most talked about economic efficiency and transparency. Along with anti-communism with its stress on democracy and constitutionality, these two principles are said to have provided a uniting element which ultimately enabled the Bill be passed.

Furthermore, the use of the category of *the people* also proved to be absolutely crucial. It should be noted that it worked more in favour of those opposing restitutions because no one could quite argue that Czech citizens felt sympathetic to the restitution cause. There was indeed an awareness of the low individual-level religiosity of the Czech, and it was yet another hard thing to counter. The bill's proponents adopted a more universalist logic by focusing on righting the wrongs of the past rather than using the argument of the religious needs of citizens that needed satisfying. In that regard, the applicability of the concept of vicarious religion is highly questionable. The problem lies in the concept's requirement for the majority to be aware of what the minority is doing and to appreciate it. Strong arguments about social groups being in greater need than the churches were also noted. But the importance of this theme concerning other social groups even appearing was that there was thought about the prioritization of social actors, and for some the church was simply seen as being below many other groups in society in order of priority. With the concept of *vicarious religion* set aside, the same can certainly also be done with the concept of *believing without belonging*.

When theorizing about secularization, the initial research puzzle was: how did it come about that the Czech Republic finally passed a church property restitution law? Had something changed, was there a different approach to the churches in politics than among the people, who were not supportive of these sorts of restitutions? More puzzling than the initial questions was the content of the debate regarding the separation between the church and the state. The decision to carry it out was listed as one of the main goals of the 2012 bill, yet it almost seemed like an afterthought. Looking at Casanova's three dimensions of European secularization, the first one, differentiation between the secular and religious institutions corresponds to the bill's goal of separation between the churches and the state. The second one regarding the decline in religious belief and practices is not applicable here because the dimension is about the

citizens, although it was noted by some MPs. But what about the third one, the privatization of religion? Did the supporters of the 2012 bill wish to increase the presence of religion in the public sphere and boost the church's presence in society? One aspect of it they could have argued for, that the churches should act as defenders of moral and traditional values of society, can be dismissed. Nothing such was advocated, even if the restitutions were supported by more right-wing parties. Now what *was* noted, on the other hand, even sometimes by the ČSSD, was the civilizational role of the churches. However, that does not carry great practical relevance as the link was described as a historic one, rather than having relevance for present-day national identity. Speaking of history and the possible link between churches and national identity, in the Czech case this linkage worked against the churches as the role of the Catholic Church, the largest present-day church, was viewed negatively by some. On the other hand, there was the argument that the restitutions would help the churches so that they might fulfil their roles in society. However, beyond simply giving property to the churches and believing they would do something with it, the supporters of restitution did not show substantial interest in ensuring that these roles would be accomplished, nor was their role in charity or nourishing the community highlighted. Due to this lack of interest and, at the same time, presenting the removal of state financing of churches as very positive, it can be argued that the property restoration advocates were leaning more towards secularization than desecularization.

Conclusion

There is little doubt that the debates on church property restitution will be remembered as heated and controversial moments of Czech history. When one of the most unchurched countries in the world, an exceptional case, set out to restore the property taken away from the churches by the communist regime after 1948, an exceptional debate might have been justly expected in turn. Both the Church Property Restitution Bill of 2012 and the Proposal to Tax Church Property Restitutions of 2017-2019 came at a time of a record-low and ever decreasing number of religiously affiliated citizens. To assume that such debates would mirror those in more religious societies would be misguided. Such an assumption might wrongly have led to the conclusion that something seemingly perceived as beneficial to churches and religious communities, as well as desired by them, cannot be striving towards more secularization.

Even though the initial reading of sources pointed to religion and thinking about church-society relations taking second place to legal and financial matters, a more thorough reading revealed a significant commentary. Arguments not related to religion and the public role of churches, however, constituted an irreplaceable part of the debates. In the 2012 restitution bill, the main supporting arguments revolved around wanting to correct the injustice done by the communist takeover of church property and around feeling obliged to do so based on the ruling of the Constitutional Court that the issue had to be resolved. The opposing arguments not related to religion pertained to critiques about spending too much money, spending it on the wrong social group, and forcing through the law despite a lack of public support for it, as well as without having a detailed list of property to be restored. The taxation proposal was put forward mainly on the grounds that the compensations to churches were too high and that the public did not agree with them (Fila 2019).

As for the arguments, and the themes encapsulating them, that were actually closely interlinked with religion, considerable mention was made of the gap between the people and the churches. The churches were simply presented as acting against the people's interest. More specifically, the people were said, among other things, not to be supportive of restitutions, to be receiving less money for their own property restitutions or to be losing out on state funds for their social groups. In what was a prominent theme of the debate on property restitutions, the churches were depicted instead as being more interested in their own material interests and were portrayed as greedy. This was closely interlinked with threads from the history of religion in the Czech Republic, whereby some espoused negative attitudes specifically against the Catholic Church. The other side of the debate struggled with employing citizens in their favour, as they were quite aware of their low interest in churches and low levels of religious belief. They did, however, point out the positive roles churches can fulfil in society, albeit not in a pronounced and thorough manner.

What made for the most interesting segment of the analysis was the fact that the separation between the churches and the state was listed as another key goal of the 2012 restitution bill. By giving them property, churches becoming self-financed was seen as desirable so that the state needed no longer to sustain them. Interestingly enough, a part of the opposition, mostly the social democrats (ČSSD), did not fully agree with that, and instead sought rather to preserve some cooperation between the state and the churches. However, because the idea of separation was not strongly developed, because there was little interest in highlighting the positive public roles the churches might have, as well as because there was simply an optimistic portrayal of the benefit of ceasing to finance the churches, the main conclusion of this article is that the advocates of the property restitution debate were striving more towards secularization than desecularization. Therefore, in an unchurched country it is possible for an act seen as beneficial to the churches to be secularly tinted.

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