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Dealing with the communist past: Its role in the disintegration of the Czech Civic Forum and in the emergence of the Civic Democratic Party

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ABSTRACT

The end of the communist regime in Czechoslovakia in 1989 has opened the thorny question of how to deal with the communist legacy. This paper focuses on important aspects of decommunization at the beginning of the 1990s and analyzes the role they played in the disintegration of the Civic Forum and in the emergence of the Civic Democratic Party. The paper shows that the decommunization agenda gradually became a significant divisive factor within the Civic Forum and served as one of the key issues through which the Civic Democratic Party defined itself. It also provided an opportunity for politicians skilled enough to grasp this issue to do so and to incorporate it into their wider political agendas.

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“A murderer should not be honoured, a murderer is a murderer and will remain a murderer.”

The Communist Party of Bohemia and Moravia's chairman response to the decoration of Josef Mašín. Several people perished as a result of the activities of Mašín's resistance group, which fought the communist regime in the 1950s. Mašín was decorated in February 2008 by the prime minister and right-wing Civic Democratic Party's chairman Mirek Topolánek (daily *Hospodářské noviny*, 2008).

“We must insist on dealing with the past uncompromisingly. We must at last rehabilitate all those who fought communism. We must defend freedom rigorously.”

Part of Topolánek's speech to honour the memory of Milada Horáková, a politician executed in the 1950s (Topolánek, 2008).

Introduction

After their demise at the end of the 1980s, the communist regimes in Central Europe left behind a difficult legacy and, although considerable time has since passed, this legacy remains controversial. The question of dealing with the past and the attitudes towards the *ancien régime* remain a live issue in Czech political and social discourse, though, of course, with the passage of time the emotions are now far less intense than two decades ago. The fact that the Communist Party of Bohemia and Moravia (*Komunistická strana Čech a Moravy*) constitutes a permanent and important component of the Czech party

system and commands the support of more than one tenth of the country's electorate significantly contributes to this topic's ability to stir potential conflict. The party is the heir to the Communist Party of Czechoslovakia (*Komunistická strana Československa*, KSC) in the Czech Republic¹ and did not go through a significant ideological transformation; on the contrary, it openly espouses Marxism–Leninism. Its representatives, also, more or less openly declare their positive attitude towards the communist era (Fiala et al., 1999; Hanley, 2002; Kubát, 2003; Handl, 2005; Balík, 2005). This is in contrast to the situation in other Central European countries, where similar relevant traditional and dogmatic Communist Parties are absent. Of course, issues dealing with the communist past are also relevant to the political competition in, for instance, Poland or Hungary. But in the Czech Republic, where the Social Democrats are gradually and pragmatically turning towards cooperation with the Communists (such a cooperation would have been an anathema in the 1990s), with the latter party the former's only potential coalition partner on the Left (Dančák and Hloušek, 2007), the mobilizing appeals of the Czech Right, insisting on the communist threat, seem more plausible here than elsewhere.

In the period immediately after the fall of the communist regime, the topic of dealing with the communist past, that is, of decommunization, had a crucial importance for the emerging Czech party spectrum. The aim of this paper is, above all, an analysis of the influence decommunization had on the developments in, and disintegration of, the main agent of democratic transition, the Civic Forum, and on the establishment of the dominant force of the Czech Right, the Civic Democratic Party. Papers that have analysed the issues of decommunization in the post-communist space in greater depth have hitherto focused mainly on the matter of *lustration*, that is on ascertaining whether an occupant of, or candidate for, a particular post worked for or collaborated with the security services; in other words, on the removal or exclusion of people from public office for having been functionaries of the Communist Party or related institutions (Welsh, 1996; Williams, 2003; Williams et al., 2005). But to focus solely on lustration does not seem to be the optimal strategy for the purposes of this paper. It is true that lustration was the most controversial element of decommunization and it is also the one that was most closely followed, both in Czech society and elsewhere in post-communist Central and Eastern Europe. But Tismaneanu (1998, p. 111) is surely right when he claims that “Decommunisation, like de-Nazification, is a mental (cultural, psychological) process as much as a political, economic, and legal one”.

The contents of the decommunization agenda encompassed much more than just lustration, not only in the Czech lands but also elsewhere in the region. This agenda ranged from restitution and rehabilitation of the victims of the communist regime, through the not very successful attempts to punish the communist leaders, the question of how to deal with the property of the communist party and indeed with the party itself, to the adoption of the “Law on the Illegality of and Resistance to the Communist Regime”.² Even more important is the fact that although the lustration law was adopted “only” in the Autumn 1991, that is a number of months after Civic Democratic Party's inception, the bulk of other decommunization topics, other than lustration, had become an important part of Czech political discourse *beforehand*. For the purpose of this text it is better to follow the wider decommunization agenda as it was already being established shortly after the fall of the communist regime and to interconnect those developments with the processes of differentiation within the main agent of the democratic transition, the Civic Forum (*Občanské fórum*), from which the Civic Democratic Party (*Občanská demokratická strana*) was born. This is reflected in the structure of this paper which is arranged chronologically. Because we focus on the Czech context, the attitudes of the Slovak parties, which played with the Czech ones on their playing field up to the disappearance of the Czechoslovak federation at the end of 1992, are only analysed as it is truly necessary.

The Civic Forum and the ticking bomb of decommunization

Tismaneanu (1998, p. 112), quoted above, offers a useful distinction between two basic approaches to decommunization; it is a massive simplification, however, given how complicated the whole affair is. The moderates, or “liberals”, in Tismaneanu's terms, “feared that decommunization could result in horrible vendettas, a prologue to a Night of St. Barthelémy.” “Radicals”, on the other hand, understood it as the “justifiable political and legal response to the need to break with the past, cleanse the elites, and to usher in genuinely new life.” Looking at Czechoslovakia in the first weeks and months following 17 November 1989, which marked the end of the old regime and starting point of the democratic transition, the radicals were all but invisible. Among other things, this was symbolised by the designation “Velvet Revolution” already then used for the events as they unfolded, as well as by the slogans of the masses marching in the streets, such as “We are not like them” (“them” meaning the communist elites) or “It is already here” (“it” being political change), which pointed to the distancing from the old regime and its ruling elites but certainly did not signify a brutal attack on them.

It is only natural that some of the demands made on the KSC leadership, which in the famous words of its general secretary, Miloš Jakeš, had “felt completely cut adrift”,³ consisted in points which addressed the past, especially the most recent events. The first of the demands was that of investigating the violent dispersing of demonstrations against the regime,

¹ Formally, the Communist Party of Bohemia and Moravia was created as the Czech branch of the Communist Party of Czechoslovakia in 1990, with the Communist Party of Slovakia forming the other branch. Given the different trajectories of Czech and Slovak communists, the Communist Party of Czechoslovakia was disbanded at the end of 1991.

² This law declared KSC a criminal organisation and the communist regime illegitimate (Příbáň, 2001, pp. 124–130).

³ Miloš Jakeš used the expression “*jako kůl v plotě*”, which literally means “like a post in a fence”, in a closed session before party cadres in the summer 1989, but the contents were leaked to the public and became widely known immediately before the Velvet Revolution.

especially the one on 17 November 1989 which initiated the regime's demise, and, of course, also the request to punish the culprits. However, the opinion of the majority of the Civic Forum (OF) elites, the main force of the democratic transition, generally dominated: it preferred a moderate approach respecting the laws valid at the time, even though those laws were adopted under the old regime.

The peaceful dismantling of the communist regime at the end of the year 1989 was a key priority for the Civic Forum, one that helped to unify this internally very heterogeneous movement. An important element in this dismantling was the obliging attitude of some of the old regime's cadres, namely the Czechoslovak federal Prime Minister Marián Čalfa. Čalfa, who was a minister before the Velvet Revolution, found himself in the position of the prime minister at the beginning of December 1989, in a dynamic and slightly chaotic situation, where the KSC party found itself deeply paralysed. Some of the old regime's officials had used this paralysis to obtain political autonomy for themselves. Čalfa had severed his links with KSC and reoriented himself towards the Civic Forum, and had the lion's share in the election of the Forum's central figure, Václav Havel, the country's president at the end of December 1989. The "liberal" *Zeitgeist* of decommunization was well reflected in the designation of his government as the cabinet of "national understanding" and the fact that diverse political currents were represented in it, including a non-negligible share of communists (Suk, 2003, pp. 35–154).

The fact that many former KSC members were among Civic Forum elites played an important role, in that Civic Forum leadership opted for a moderate course of decommunization. Among the former KSC officials were the protagonists of the Prague Spring of 1968, people who at the time hoped to realize the idea of reforming the communist regime. After Soviet tanks crushed the Prague Spring, they were expelled from the party during the purges. Some of them were later active in the opposition to the communist regime, but they nevertheless were not interested in a radical decommunization after 17 November 1989, as this would mean negating their own past as well as that of the former ruling elites. Pavel Rychetský or Zdeněk Jičínský was among the most conspicuous former reform communists. People who could be classified as liberal intellectuals, such as Martin Palouš, a philosopher and a dissident, held a similar position. Individuals with radical, anti-communist views were rare among the "founding" elites of the Civic Forum, and the Christian dissident Václav Benda was probably their most noticeable voice. The so-called "small" law on political parties dating from January 1990 was a product of Civic Forum's moderate approach. The main purpose of this law was to provide a space for new political parties to be created. But the law also *de facto* recognised KSC's existence in that it listed several *already existing* political parties. And it was precisely this recognition in law that would provide the communists with an important defensive argument in the future.

However, the "velvet" atmosphere started to change at this time. This was mainly the consequence of increasing dissatisfaction at the lower levels of Civic Forum structure. An appeal made by an especially enterprising Civic Forum within one large Prague company – ČKD Polovodiče – proved to be an important watershed. On 1 March 1990, this Civic Forum appealed to KSC to hand over its property to the state. This property was worth hundreds of millions of dollars.⁴ Civic Forum in ČKD Polovodiče justified this demand by pointing out that as a rule, the communists had obtained this property illicitly, thanks to their extraordinary links to the state before 1989. In addition, this property meant that the communists had an advantage over other political formations before the first free election in June 1990, as those latter parties mostly had to start from scratch with no financial backing or possessions (Janyška, 1990a). This appeal met with a significant response from the general public, and in mid-April a short countrywide token strike was held in hundreds of companies in its support. The general consensus about this issue was testified to by the results of opinion polls, where 84% of respondents were for, only 11% were against and 5% did not know (Institute for Public Opinion Research, April 1990).

The consensus in broader society and public pressure set the Civic Forum leadership (which was very guarded in its response) in motion and a parliamentary moratorium on the control of KSC property was adopted in May 1990. In November 1990, the new federal parliament passed a law that transferred most of KSC property to the state. No MP voted against the law – or rather, no MP dared to vote against it, given the public attitude. Communist MPs left the session in protest before the voting, having criticised the law as an attempt "to destroy a parliamentary party recognised by law", a reference, among other things, to the already mentioned "small" law on political parties (Federal Assembly, 16 November 1990). It must be added, however, that the handover of this property was in fact very protracted and in the end only partially successful. In the chaos that ruled both in the legal environment and in society at large, some of this property has disappeared without trace. According to a parliamentary decision made at the same time as the KSC property law was adopted, the property of the Socialist Union of Youth, old regime's youth organisation, was also to be traced and handed over. But the results were even worse here than with the property of KSC itself.

At the time the question of KSC's property was first put on the table, the Civic Forum leadership was facing increasing criticism from below for another reason: the leadership did not have enough support behind the efforts of some of the local Civic Forum activists aimed against the "old structures" in the leadership of the public administration at the local level and also in state companies. Given the process of nationalisation after the Second World War, virtually the entire economic sphere was in the hands of the state. Indeed, Civic Forum leaders at times even resisted such efforts. The above-mentioned local activists started to remove communist chairmen of the national committees (local public administration bosses) and company directors, often employing coercive tactics, such as threats of strikes and demonstrations. Broadcast in mid-January 1990, the televised address of Petr Pithart, who was temporarily Civic Forum's leader after Václav Havel left to take up the

⁴ The valuation of KSC property at the end of 1990 put it at ca. 12 billion Czechoslovak crowns of the period (Jarolímek, 2002, p. 76). However, given massive currency fluctuations at the time, it is impossible to convert the sum to dollars with any degree of accuracy.

office of the country's president, provoked special outrage among the local activists. Pihart, fearing the political and economic destabilisation of the state, condemned the "cleansing" practices of the local Civic Forum organisations as illegal.

Verbal exchanges between the Prague centre and regional forums also had an organisational dimension. Since the idea of both maximising the possible decentralisation and spontaneity of the Civic Forum and resisting a hierarchical structure still prevailed at the time, the Prague centre did not command the leverage necessary to control the local forums. The local forums, likewise, had no major influence over the constitution of the central elite of the Forum (Pšeja, 2005: 117; Hadjiisky, 2008: 73–74).

But the tensions appeared not only between the "centre" of the Civic Forum and the activists in the regions, but also within the local Forum elites. The clash over the vehemence of the decommunization process and the methods employed in this process that took place in Brno, the Czech Republic's second largest city, is probably the best known example of conflict at the local level. It was triggered by the question of whether the incumbent communist mayor of the city should stay in office, and it quickly became a personal conflict between two local Civic Forum leaders, Jaroslav Šabata and Petr Cibulka, figures not unlike the classic ones of Danton and Robespierre. Šabata, a reformist regional KSC leader during the Prague Spring, was later expelled from the party and became a dissident; he advocated a moderate approach. He was willing to tolerate the mayor, an able technocrat who was not significantly politically compromised, up to the point where another more suitable candidate could be found.

Cibulka, one generation younger and highly emotional, was among the most persecuted dissidents before November 1989 and, in a total antithesis to Šabata, embodied the jacobinical approach of fierce and permanent anti-communist cleanup. The conflict had already erupted in January 1990, but two months later it was closely followed by the whole country, as demonstrations, bitter altercations in the media and even a physical attack on Šabata gradually unfolded. The question of the removal of the mayor from the office receded into the background (the official himself resigned at the height of the conflict), the animosity between the moderates and the radicals was ratcheted up and took the centre stage, overlaying everything else. Pacifying attempts made by the Prague "centre" of the Civic Forum, which sided more with the moderates, came to nought. Finally, the Prague centre took the extraordinary and unprecedented step of removing both Cibulka and Šabata from the local organisation of the Forum (Ruml, 1990; Tichák and Burian, 1997, pp. 76–79; Suk, 2003, pp. 326–341; Hadjiisky, 2008, pp. 84–88).

The dispute over decommunization has accelerated the process of differentiation within the local Civic Forum structures in Brno. This was fully revealed after the parliamentary election, as in autumn 1990 the Brno Civic Forum was more or less reduced to the supporters of Václav Klaus's faction (for more about this politician see below). Many of these were active members of a distinctive anti-communist association, the Confederation of Political Prisoners, which was founded by people imprisoned during the communist rule and by their descendants. The developments in Brno were thus "ahead" of what was happening at the countrywide level.

It is not without interest that Petr Cibulka made anti-communism the main axis of his activities over the following couple of years, but as a political figure he remained an outsider. However, he was to play the leading role in another important episode in post-Velvet Revolution Czech political history: in 1992, he published the illicitly obtained lists of agents and collaborators of the State Security (StB). For the next decade, up to the point the official lists were made public, Cibulka's lists were the only public source of information about the network of agents of the communist secret police.

The question of banning the communist party

Another explosive topic of the year 1990 was the question of banning the communist party, a decommunization step with massive implications. The agenda was set by Prague's public prosecutor, Tomáš Sokol, in mid-April 1990, who appealed to the KSC leadership to cease their activities in the capital. In his letter, Sokol analysed the ideology and activities of the communist party in the previous decades, and according to his view the party had committed "the malfeasance of supporting and promoting fascism and *similar* movements" (emphasis added L. K.; *Mladá fronta Dnes*, 18 April 1990), thus placing communism *de facto* on the same level as fascism. Sokol's step also constituted an attack on the approach assumed by the Civic Forum leadership, which recognised KSC as a legitimate political partner. As with ČKD Polovodiče's appeal to confiscate KSC's property, Sokol's appeal was also widely publicised and was supported by some local Civic Forums. However, unlike the earlier question, the response of the general public was very divided. According to an April 1990 poll, only slightly more than a third of those polled were in favour of banning the communist party (36%), almost three fifths were against (58%) and the rest felt unable to answer the question (Institute for Public Opinion Research, April 1990).

Understandably, KSC's response was a sharp refusal of the contents of the letter, which it declared to be "a criminalisation, an attempt to increase tensions within society and a breach of the principles of national understanding" (*Rudé právo*, 19 April 1990). Two days after the letter was published, communist MPs threatened to boycott the parliamentary sessions, a step that would probably have paralysed the institution before important economic laws were to be read. They received a "guarantee of protection" directly in the Parliament in the words of Pavel Rychetský, at the time Czechoslovakia's Chief Prosecutor. Rychetský has called Sokol's letter "a personal, private opinion which has no legal consequence" (*Federal Assembly*, 18 April 1990). Although Rychetský stated in explaining his position to Sokol's letter that the "ideological programme of communist parties is a programme of violence", he did not consider the whole affair to be a matter of prosecution and claimed that it should be "addressed to the Parliament as a suggestion for possible examination within the legislature" (*Rudé právo*, 19 and 25 April 1990). But the expectation that a Parliament whose term was about to expire, whose personal make-up was only partially changed after the Velvet Revolution, and which was still influenced by the idea of "national understanding", was unrealistic. With reference to the January 1990 law on political parties which recognised KSC's existence, the Presidium of the

Federal Assembly refused to discuss the matter. The Coordination Centre of the Civic Forum, the *de facto* supreme body of the movement, was not going to push the ban, either. Given how politically explosive the whole affair was, it chose a nebulous expression when stating its view, calling Sokol's steps not an attempt to ban KSČ, but supposedly "a warning so that the definition of a criminal act is not fulfilled" (Civic Forum Coordination Centre's position in *Lidové noviny*, 20 April 1990).

But several smaller political groups have taken up the idea, popular with part of the public. On 17 May 1990, the Czechoslovak People's Party, the Czechoslovak Socialist Party, the Democratic Party (active in Slovakia) and the Czechoslovak Social Democracy⁵ have issued a proclamation demanding the cessation of KSČ's activities. However, the problem for the parties that signed this declaration was that all of them, bar the social democrats, functioned during the communist era as collaborating satellites of the KSČ. This was one of the factors in the limited public response to this proclamation, which was interpreted as an attempt on the part of these parties to draw attention to themselves before the election.

The June 1990 election brought the communist party about 13% of votes and conferred legitimacy to the party's position in society. To disband a party which commanded such support in a democratic election, and which on top of that had not officially advocated a violent change of the new regime, became practically impossible. Of course, more attempts were made over the following years to reintroduce this topic to public discourse, usually by marginal political forces, but they have never been successful.

Increasing tension within the Civic Forum after the election 1990 and the "stick" of decommunization

The June 1990 election ended with a landslide victory for the Civic Forum, which obtained about half of the votes cast, a fact which has naturally awarded the movement a leading role in the formation of both the Czechoslovak (federal) and Czech (republic) governments. However, the final make-up of the federal government in particular, but also partially the way this cabinet was put together, has created a new wave of criticism from "below", within the Civic Forum. Thanks to the intervention of President Havel, who applied his still rather strong influence on the Civic Forum's leadership, most of the incumbent federal ministers kept their posts, including Prime Minister Marián Čalfa. Havel's steps were motivated by his personal experience with this able technocrat who was entirely loyal to him. But for many Civic Forum activists, seeing Čalfa in the prime minister's seat was a difficult bite to swallow, given that he was formerly a high-ranking official of the communist regime. Čalfa might have been a good prime minister for the complicated period when the communist regime was dismantled, but to keep him in office after a democratic election was perceived as a sign that the election's result was not being respected (Měchýř, 1999, p. 200; Havlík and Pečinka, 2005, pp. 83–84).

The case of General Miroslav Vacek, in charge of an important, "power" ministry of defence, proved even more problematic. Like Čalfa, Vacek, whose membership in KSČ, a party which was not involved in the "old-new" government, was suspended (!), kept his office thanks to president's support. He was only removed from the position under severe media pressure in mid-October 1990, when the evidence of his willingness to use armed forces to defend the crumbling communist regime at the end of 1989 came to the surface. Even stronger criticism within the Civic Forum than that of the occupancy of the positions in the executive was directed at the following fact: thanks to the assent and support of the Forum leaders, the communist party gained strong representation in the leadership of both the federal and Czech parliaments.

Another post-election conflict was connected to the situation in the regions, and its cause was similar to the one few months ago. The main "culprit" was the same, too – Petr Pithart. Pithart was appointed Czech prime minister before the elections and kept his office after the vote. A list of current and former communists in higher corporate positions in the small countryside district of Hodonín, drafted by one Civic Forum activist before the election, became the stimulus for a heated exchange of arguments which was publicised in the media. According to Pithart, this list was to be used in a cleanup which was inadmissible. Pithart's argument stuck to the position from the beginning of 1990, as he argued that any procedures undertaken must be within the limits of the existing legal order, which did not admit radical steps (Pithart, 1990). The Civic Forum in Hodonín, on the other hand, called the list a defensive document against KSČ's indiscriminate attack; according to its declaration, "communist company directors remove workers who are active in the Civic Forums from their positions or even sack them." (*Rudé právo*, 3 August 1990).

In comparison to the situation before the election, an important difference was that the demands for decommunization, voiced in the regions, were heard now much more at the top level of the Civic Forum. That was a consequence of the fact that on the one hand the idea of totally decentralising the movement, which radically limited its ability to manoeuvre, had receded into the background, and on the other hand, the Forum gradually institutionalised itself and established hierarchies. Among other things, this was testified to by the increasing number of representatives of regional Civic Forums at the congresses of the Coordination Centre of the Civic Forum. These congresses, held every month, had from July 1990 onwards become an extraordinary arena where the radical adherents of decommunization exchanged their views with the moderates.

If we consider the motives of the supporters of radical decommunization at the local level, we can identify that it was not only moral indignation, but also gradually forming local interests that played a role. In what they identified as "communist mafias" or "nomenclature brotherhoods", as the economic and managerial cadres of the old regime were billed at the time, local Civic Forum activists have often seen competition for their own societal and economic ambitions.

⁵ From today's perspective, it is interesting to note the contrast between the stance of the social democrats towards communists then and now. It is the result of a development which was influenced both by the character of the party spectrum and by internal evolution within social democracy.

The rise of a charismatic leader: Václav Klaus who cannot be reduced to one dimension

The Civic Forum congress on 13 October 1990 in Prague–Hostivař marked an important point in the development of the Czech politics. Václav Klaus, who would be leading the Civic Democratic Party for a number of years in the future, was elected into the newly-created position of the Chairman of the Civic Forum. Klaus, who was the minister of finances in Čalfa's cabinet from the end of 1989 onwards, originally viewed himself as a specialist, an economist fully focusing on the issues of economic transformation and without political ambitions. He only became "politicized" during the 1990 election campaign when, as the leader of Civic Forum ballot in one constituency, he began nurturing links to the local Forum elite. After the election, he enlarged his activities in this area and gradually built strong political backing within the Civic Forum, based largely on his links with the Forum's regional structures. He was also supported by the Inter-parliamentary Club of Democratic Right, created in September 1990 as an association of right-leaning Civic Forum MPs.

At the October congress, Klaus was successful in presenting himself as a challenger and alternative to the hitherto dominant metropolitan intellectual elite of the Civic Forum, connected with Václav Havel (Hanley, 2006, p. 37). The candidate for the chairmanship of this faction, the dissident Radim Palouš, obtained only 52 votes of the delegates, whereas Klaus was victorious with 115 votes. In his speech before the election, Klaus appealed mainly to the dissatisfaction at the level of the local Forums: "Paid officials [in the Civic Forum's Coordination Centre] procrastinate and do not allow the opinions from district and local Civic Forums, which are much more inclined towards right-wing economic policies, to take priority (...). In articulating Civic Forum's position, it is necessary to proceed from the opinions coming from below, not from the opinions of a narrow group at the centre."⁶

Although the dissatisfaction of the regional activists about the issue of decommunization was certainly one of the key factors that helped to ensure Klaus' success, the chairman of the Civic Forum and future "founding father" of the Civic Democratic Party cannot be considered a radical adherent of decommunization. At the time when Klaus was cultivating his political backing and winning over Civic Forum activists for his vision of transforming the movement into a right-wing political party, he was relatively careful with the decommunization agenda, even though he occasionally employed its rhetoric. As an example, Klaus viewed the restitution of property taken by the communists during their rule one of the key topics of the second half of 1990 and the beginning of 1991, fairly negatively, whereas a pragmatic economic outlook was central to his opinions.

Restitution, essentially returning the confiscated property to its original owners or their descendants, was dismissed by Klaus because he was afraid that it might slow down the economic transformation, as it would freeze vast amounts of property until it were clear whether it could be privatised or not. Klaus clashed over this issue with some of his followers, mainly some MPs of the Inter-parliamentary Club of Democratic Right, who, together with the small Christian Democratic Party of Václav Benda, had made pushing the restitution through the federal parliament their political priority. For these MPs, the restitution, as an act of material and moral justice, definitely took precedence over economic reform (Husák, 1997, p. 119).⁷ Oddly enough, Klaus's attitude to restitution was therefore close to the lukewarm attitude of the majority of the representatives of the founding elite in the Civic Forum, that is the circle around Václav Havel.

But in other circumstances, too, Klaus showed his distance from excessively radical decommunization. This is clearly demonstrated in a November interview for the weekly *Respekt*. Answering a question about how to deal with the communist party, Klaus, who was never a member but equally was not among the dissidents, said that he was "disconcerted by cheap anti-communism. Everything is much more complicated, there is no accurate litmus test that would divide good and evil between communists and non-communists" (Janyska, 1990b). To an adherent of a pragmatic economic approach like Klaus, the moral question was foreign, as was anything that could potentially threaten his vision of a quick introduction of a market economy. However, *selective use* of the decommunization agenda constituted for him a suitable supplement to his strategy of obtaining hegemony over the Civic Forum and creating a right-wing party.⁸

Establishment of the Civic Democratic Party, lustration, and the importance of the decommunization agenda

The anti-Klaus faction within the Civic Forum, which clearly found itself in a defensive position, founded the so-called Liberal Club in December 1990. However, it provided no significant assistance in the conflict with Klaus's faction. The idea of

⁶ Excerpts of the speech are quoted from *Mladá fronta Dnes*, 15 October 1990 and *Rudé právo*, 15 October 1990.

⁷ The restitution laws were adopted by the federal parliament from October 1990 onwards. Given the volume of the agenda and how protracted the process was in a number of cases, it is impossible precisely to establish what share of the population was affected by the restitution, however, the number was in the order of hundreds of thousands of people. The value of property returned to private owners up to the mid-1990s was somewhere between 75 and 125 billion crowns (several billion dollars) (Kotrba, 1997, p. 135).

⁸ The position on decommunization of another important figure of the Czech politics, Václav Havel, is also much more complicated than is sometimes assumed. Stereotypically, Havel is viewed as a liberal intellectual who refused decommunization. The evidence mustered for this claim is usually seen in his reserved view of the harsh lustration law adopted in Autumn 1991. However, in the context of the period one must point out that Havel unquestionably contributed to the heightening of the anti-communist atmosphere in the second half of 1990. In his August speech commemorating the Soviet invasion which terminated the Prague Spring of 1968, Havel talked about the need to exchange the "incompetent and sabotaging nomenklatura", and about "tentacles of invisible mafias who attempt to traffic property which they do not own"; he even goes on to say that "our revolution is not over" (Havel, 1992, p. 17). To adherents of decommunization among the Civic Forum activists, Havel's words must have meant justification and endorsement of their views. Havel thus responded to the necessity of satisfying the public cry for justice and for the removal of the residue of the old regime (Rupnik, 2002).

the Liberal Club, that is, to keep the Civic Forum as a political movement uniting diverse political tendencies, was definitely buried at the January 1991 Civic Forum congress. With a clear majority, the congress voted in favour of Klaus's definition of the Civic Forum as a political party with individual membership. The condition, also agreed by the congress, that members cannot be former employees and collaborators of the State Security, as well as members of People's Militia, had an edge of decommunization to it.⁹

However, the congress did not deny membership to former communists. This reflected the fact that communist party had about a million members in the Czech lands before November 1989, a number corresponding to one tenth of the population, and several further hundreds of thousands had been members for at least some time in the past. To ostracise such a large number of people would be to deprive oneself of a substantial group of potential followers and to limit one's own base. The so-called initial political programme of the Civic Forum, adopted at the January congress, refused not only the ideology of Marxism–Leninism, but also every form of socialism, including “reform communism” and “third way in the economy”, choosing instead to follow a course towards an arrangement which “is usually called capitalism” (*Fórum*, 1991; *Lidové noviny*, 14 January 1991). The congress thus explicitly and unequivocally refused anything whatsoever from the legacy of the Prague Spring, although many of the figures of this reform movement have been among the founders of the Civic Forum and were still involved in it, usually in the Liberal Club.

The fact that Klaus's faction clearly controlled the Civic Forum structures was partially offset by the dominance of the adherents of the Liberal Club among the Forum's MPs and especially among the ministers. In fact, in Čalfa's cabinet, Klaus was the sole representative of “his” faction. This was essentially a stalemate, since Klaus's faction was not interested in destabilising the government, and it was resolved by an agreement blessed by the last Civic Forum congress at the end of February 1991. The agreement guaranteed government stability up to the June 1992 parliamentary election and assumed the creation of two new independent formations – Klaus's Civic Democratic Party and the Civic Movement, an heir to the Liberal Club. Most of the district and regional structures of the Civic Forum joined the former organisation, which was a significant factor in the party's subsequent success.

In the period leading to the June 1992 election, the most important item on the decommunization agenda was the lustration law. Given that its character and consequences have already been subjected to considerable scholarly attention (Welsh, 1996; Letki, 2002; Williams, 2003; David, 2003; Sadurski, 2003; Kosař, 2008), after providing a brief overview, we will focus on an analysis of the political context of its adoption. The lustration law, adopted by the Federal Parliament on October 1991¹⁰ applied to selected “protected positions” in the civil service, the army, the intelligence, the president's office, but also in public service TV and radio. Among the people excluded from holding these offices were, for example, former employees of State Security, agents of this secret communist police, the upper echelons of KŠC, or members of the People's Militia. Lustration certificates were issued by the Interior Ministry. The law did not apply to elected members of representative bodies, that is, members of parliament, however, in practice most parties demanded to see the lustration certificates from its candidates before the election to avoid potential scandals.

Now we get to the discussion that preceded the adoption of the lustration law. The need for a regulatory norm was widely felt after a number of lustration scandals, the earliest of which dated back to the period of the first election of 1990. Several important politicians, among them the leader of the Czechoslovak People's Party, Josef Bartončík, or the head of Public Against Violence (a counterpart of the Civic Forum in Slovakia), Ján Budaj, were accused of having collaborated with the State Security. Misgivings about the continuation of such essentially “wild” lustrations with no clear rules led the majority of Czech political forces, the communists excepted, towards a consensus that a lustration law must be adopted. However, the reading of this bill was nevertheless heatedly controversial, and the differing views of the individual actors towards decommunization were reflected in this controversy.

Pavel Rychetský (Civic Movement), at the time deputy prime minister of the federal government charged with preparing the cabinet's proposal of the law, sent to parliament a version that was considered unacceptable by right-wing MPs in particular, who thought it was too “soft”. Even before the law was read, a wider parliamentary group formed and decided on a common strategy. The strongest Czech party of this bloc was the Civic Democratic Party, and several other smaller, mostly right-wing Czech parties took part in it – the conservative-liberal Civic Democratic Alliance, founded by several former Civic Forum politicians, Benda's anti-communist Christian Democratic Party, the Liberal Democrats, whose leaders already demarcated their identity as an anti-left party during the period of the dissent, the Czechoslovak's People Party, inclining towards right-centre, and part of the Moravian autonomists. From Slovakia, this group of lustration “hawks” was joined by the conservative Christian Democratic Movement, the Public Against Violence, the Hungarian Christian Democratic Movement, and part of the nationalist Slovak National Party.

Through proposed amendments, the lustration “hawks” have managed to transform the law significantly while it was read in the parliament. For instance, the articles assuming that every single case would be individualised, in that it would be necessary to prove that the person in question had deliberately cooperated with the State Security, or that this individual was involved in suppressing human and civil rights, were dropped from the law. In the view of the “hawks”, such clauses would make the law very difficult to employ in practice. They therefore pushed through the version according to which employees

⁹ In pre-Velvet Revolution Czechoslovakia, the People's Militia were communist paramilitary units subject to KŠC's leadership.

¹⁰ This so-called “large” lustration law was later supplemented by the “small” lustration law, dealing with the situation in the police and the prison system.

and collaborators of the State Security, KSČ officials and others are *automatically* excluded from holding “protected positions”. Naturally, individuals affected by the law could appeal against the lustration result to the court of justice. The number of originally designed “protected positions” was also enlarged to encompass, among others, judges of the Constitutional Court or representatives of public universities (for details about the discussion in Parliament – Mlynář, 1991; *Lidové noviny*, 4 and 5 October 1991; Federal Assembly, 2 to 4 October 1991).

Given the fact that the “hawks” needed to command greater support to push their ideas through, Daniel Kroupa, a Civic Democratic Alliance representative, suggested that KSČ officials of the Prague Spring period should not be included in the list of people to whom the law will be applied. This was an accommodating measure aimed at some MPs, notably of the Civic Movement, and it was accepted (*Mladá fronta Dnes*, 4 October 1991; Federal Assembly, 3 October 1991). That it was a concession worth doing for the “hawks” were proven in the final vote, where about a third of the Civic Movement MPs supported the bill and it was narrowly passed. The remaining MPs of the Civic Movement left the session before the vote; the same step (or, alternatively, abstention from voting) was taken by the majority of Social Democratic MPs, by the representatives of the moderate Left in general, and also by the Movement for Democratic Slovakia (HZDS), which had recently split off from Public Against Violence. The stance of HZDS was influenced by the fact that its leader, Vladimír Mečiar, was accused of collaboration with the State Security. However, his file kept by the State Security disappeared after November 1989, and his collaboration has therefore never been definitely proven (Leško, 1996, pp. 69–71).¹¹ Opposition to the lustration law came mainly from the communists. Czech public opinion concerning the adopted law was positive more often than not: 42% of respondents thought it necessary, while the contrary view was held by 31% of those polled.¹²

Division within the Civic Movement over this law, which was probably the most discussed law of the period between the 1990 and the 1992 elections, reflected a deeper heterogeneity within the party, both of views and of personnel. Already before the 1992 election, some of its representatives defected to the Social Democratic Party. Election itself was a failure for the Civic Movement, as it narrowly missed the 5% threshold and found itself on the periphery of politics – for good. Most of its elites, including Pavel Rychetský, for instance, eventually found their way into the Social Democratic Party, or have left politics altogether.

The lustration law fits well with Klaus’s selective approach to the decommunization agenda. The matter was put succinctly by Jacques Rupnik (2002), who said that Klaus and the Civic Democrats have employed a deliberate strategy of dual polarisation, whereby the emphasis was first placed on the acceleration of economic reform, which was to remove the economic base of the old regime, and then on pushing through the lustration law as a way of differentiating the party from the Civic Movement and the reform communists of the Prague Spring era. Lustration, therefore, was not incompatible with the idea of a rapid conversion to market economy; on the contrary, it helped the Civic Democratic Party to stress its distance from the Civic Movement and from non-right-wing competition in general. The lustration law was one of the party’s key self-defining and self-establishing measures, and helped it to win the 1992 election in the Czech Republic with about 30% of the votes.

The selective approach to decommunization embraced by Klaus and the Civic Democratic Party did not change much in the ensuing years. On the one hand, the party ensured that the validity of the law was extended in 1995 and again in 2000 (originally, the law was supposed to be valid for five years, but it was later extended indefinitely). On the other hand, the party was uninterested in achieving targets such as a ban of the communist party. For the bulk of the party’s electorate, decommunization was not a major topic and Klaus’s position suited them well. This approach was also instrumental in the party’s ability to keep the support of the strata of voters which brought it electoral success in 1992. Although the party has devoured the Christian Democratic Party and part of the Club of Committed non-Partisans, both of which were staunch supporters of radical decommunization, before the 1996 election the balance had not shifted, as those groups were tiny and did not transform the general party line. However, the Civic Democratic Party’s position did produce centrifugal tendencies, and in 1994, a group of radical anti-communists founded the Democratic Union, which tried to establish itself on the basis of a more ‘moral’ approach to transformation showing greater sensitivity to issues of historical justice. Despite this, the Union only polled 3% of votes in the 1996 election, gained no parliamentary representation and did not play a significant role in Czech politics (Hanley, 2006, pp. 32–33).¹³ The decommunization agenda adapted by the Civic Democratic Party therefore served as a significant contribution to their overall “catch-allisation”. Klaus’ party was the first Czech formation that could have been classified as a political party of the catch-all type even before mid-1990s (Fiala and Hloušek, 2003; for definition of this type of parties see Kirchheimer, 1966). The other party that had been close to this type, the Social

¹¹ For the sake of precision, it should be mentioned that Mečiar was verifiably registered by the State Security as a “candidate for secret collaboration”. This category of people, who had originally been treated by the lustration law in the same way as the employees of State Security or agents of this secret communist police, was later excluded from the lustration law by the Czechoslovak Constitutional Court. The reason was that it was impossible to confirm that such people had collaborated with the State Security *deliberately*.

¹² The remaining respondents were unable to pass judgement on the law. It is worth noting that in Slovakia public opinion was much more negative: only 25% of the respondents supported the law and 49% were against it (Institute for Public Opinion Research, November 1991). This was one of the reasons why, when the independent Slovak state was created and the ruling Mečiar’s Movement for Democratic Slovakia ceased to apply the law in practice, thus ending the lustration in the country. There was no significant resistance to the abandonment of the policy.

¹³ However, that does not mean that the party’s showing in the 1996 election was without significance, because the Civic Democratic Party-led government coalition, ruling up to this point narrowly lost its majority in the parliament, and continued after the election as a fragile minority cabinet, eventually foundering two years later. This disintegration and the animosities that came with it were instrumental in a new party, the Freedom Union, splitting off from the Civic Democrats, with long-term implications for the development of the Czech Right. Had another Czech right (or right-centre) parliamentary party won those 3% in the 1996 election, political developments could have been different.

Democrats, only managed to achieve this several years later. The interesting thing is that the decommunization agenda acted more like an obstacle in its “catch-allisation”. The reason was that there was an intense and sometimes very heated discussion inside the Social Democratic Party for much of the 1990s about what stance the party should take to individual decommunization topics.

After Klaus stepped down as the Civic Democratic Party's leader in 2002, his successor Mirek Topolánek was manifestly a radical adherent of decommunization, mainly in his rhetoric and symbols (compare the quotations at the beginning of this paper). However, the overall position of the Civic Democratic Party was only modified in certain details: there was no large-scale change in strategy. The modifications are primarily linked to an attempt to play “the decommunization card” with the electorate by pointing out that the dominant force of the Czech Left, the Czech Social Democratic Party, is today more open to a cooperation with the communists.

Conclusion

In her comparative overview of the processes of lustration in Central Europe, Helga Welsh (1996) argues that the nature of the non-democratic regime in its final phase and the modes of democratic transition were the factors that influenced both the character of lustration laws in these countries and the speed with which they were adopted. According to this argument, the harsh lustration law passed in Czechoslovakia was influenced by the rigid communist regime, whose ruling party-state was not willing to enter into dialogue with the opposition, but also by the fact that this regime collapsed and a democratic transition took place with a minimum of negotiations. In Hungary and Poland, on the other hand, the old regime was relatively liberal and the negotiations between the ruling officials and the opposition played an important role. In fact, in Hungary negotiations were initiated by the reformists within the communist party. This situation would have produced a certain informal guarantee of protection to the communist elites both in Poland and Hungary; as such, these countries adopted their own “softer” versions of lustration law only in the second half of the 1990s.

However, Williams et al. (2005, p. 39) are sceptical of Welsh's argument and claim that the main role was played by the parliamentary arithmetic of a fluid party system, by trial and error and in the case of Polish and Hungarian lustration laws, in particular, also by learning from the neighbours' recent experiences, rather than by the country's political history. According to my analysis not only of lustration, but of the wider decommunization agenda, it seems that the view of the latter three authors is closer to the truth, at least in the Czech case. However, given the purpose of this text, it is necessary to amend it with the following observation. The Civic Forum's development shows that decommunization gradually became an important divisive issue in its midst. The “founding” elites, composed of liberal intellectuals and of reform communists, have underestimated the explosive potential of this agenda. This was one of the factors instrumental in this elite's removal from the movement's leadership and the loss of an ability to further influence its direction. And conversely, depending on wider public demands, the decommunization agenda has provided an *opportunity* to politicians able to grasp it and to interconnect it with other agendas. Václav Klaus, who incorporated it into his wider political offering, which was primarily economic, is probably the most successful representative of this strategy. On the contrary, people who employed one-sided radical anti-communism, such as Petr Cibulka, remained on the periphery of politics.

Decommunization was therefore an important topic that helped the Civic Democratic Party and the Czech Right to present themselves. Conflicts within the Civic Forum helped to clear the ground for the agenda's formation and the lustration law later played the role of an important moment in its establishment. The characteristics that the decommunization agenda has imprinted into the Civic Democratic Party's identity are still visible today.

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