

EU ENLARGEMENT AND “THE PERILS OF PRESIDENTIALISM”*: A COMPARATIVE ANALYSIS

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ÖZET

Avrupa Birliđi'nin 2004 yılında gerekleŒen geniŒlemesiyle birlikte, baŒkanlık ya da yarı-baŒkanlık sistemiyle ynetilen birok lke Avrupa Birliđi politik hayatında yerini almıŒtır. Bu alıŒma, Bulgaristan, ek Cumhuriyeti, Macaristan, Romanya, ve Slovakya olmak zere beŒ Merkezi ve Dođu Avrupa lkesinin siyasi istikrarı sađlama ve liberal demokratik bir politika belirleme sistemine ynelme amacıyla gsterdikleri performansını inceleyerek, Avrupa Birliđi'ne katılım srecine hazırlık erevesinde ynetim Œeklinin belirlenmesinde resmi ve gayri-resmi kurumsal etkenlerin nemine iŒaret etmektedir. Juan Linz'in "BaŒkanlık Sisteminin Riskleri" tezi erevesinde bir analiz yapıldıđında, ideal ynetim sisteminin belirlenebilmesi iin ieriksel bir yaklaŒımın gerekli olduđu ortaya ıkmaktadır. Sonu olarak, yapılan vaka alıŒmalarının, Linz'in Avrupa Birliđi'ne katılım srecinde, gl BaŒkanlık sisteminin ve parlamenter sistemlerde BaŒkanların yetkisizliklerinin getirdiđi olumsuz etkilere iliŒkin varsayımlarını dođrulamadıđı grlmektedir.

Key Words: *EU accession, institutions, mediating factors, presidentialism, zero-sum games*

Anahtar szckler: *Avrupa Birliđi'ne katılım, kurumlar, aracı unsurlar, baŒkanlık sistemi, sıfır-toplam oyunu*

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INTRODUCTION

The 2004 'big bang' enlargement of the European Union (EU) as well as the foreseen 2007 expansion of the Union's reach to Bulgaria and Romania has meant that a series of countries with "semi-presidential" or presidential types of political regimes have entered the political realm of the EU. One of the central political issues of concern, both for newcomers and future member states, such as Turkey and Croatia, is the division of powers between the executive, legislature and the judiciary as well as the constitutional settlement at the 'apex of the political tier of government' that is to say, the executive¹. In that respect, the institutional configuration at the start of the accession process is crucial in the performance of the candidate country and its ability to meet the EU's political and economic criteria for membership, as institutions and their functioning affect greatly not only 'political markets'² but also a state's long-term economic performance³. This paper aims to demonstrate the importance of institutional factors in the choice of presidential, parliamentary or semi-presidential types of executive by testing the comparative performance of these different types during the preparatory stage for EU accession. By use of a theoretical framework informed by the seminal work of Juan Linz, it will argue that the choice of executive most conducive to democratic consolidation and political stability is dependent on a given set of variables: a) the salience of a popular mandate in proto-democratic political cultures whose transition to a 'liberal democratic' framework is still on the making, b) the personal/informal attributes of leaders contesting the office of the President at a time of disillusion with the political process and c) the "checks and balances" function of the judiciary to avoid the formation of zero-sum games at the top of government. Furthermore, the hypothesis under examination suggests that contrary to Linz's theory, and apart from the important role of institutions, other variables also affect the influence of a President. These are his political legitimacy, his use of informal powers as well as his personality and perception of the office combined with significant 'mediating factors': the party system, the electoral law and, crucially, the relationship of the head of state with the prime minister and Parliament. A further hypothesis argues that due to the constitutional uncertainty of the early transition and the institutional mayhem that often took place, an indirectly elected, 'parliamentary' President can be more influential and more polarising in his political role than a, constitutionally stronger, 'presidentialist' President. The case studies examined are Poland and Bulgaria on the one hand and Hungary on the other. The reasoning behind this is that while the first two countries adopted a 'strong' and 'weak' version of semi-

¹ F. W. Riggs, 'Presidentialism: a problematic regime type,' *Parliamentary vs Presidential Government*, ed., A. Lijphart, Oxford, Oxford University Press, 1992, p.217.

² A. Stepan and C. Skach, 'Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism,' *World Politics*, vol.46, no.1, October 1993, p.1.

³ D.C North, *Institutions, Institutional Change and Economic Performance*, Cambridge, Cambridge University Press, 1990, p.107.

presidentialism respectively, Hungary is often cited as a classic case of parliamentary government. The record in office of the Presidents of Czech Republic and Slovakia will also be discussed so as to expand the basis of the collected data and allow for somewhat more general conclusions on the effect of the Presidency in CEE.

The paper will begin by introducing some key definitions of parliamentary government and semi-presidentialism so as to make the working assumptions clear. The next part will draw upon the theory of presidentialism and analyse specifically the work of Juan Linz, a scholar who has dealt exhaustively with what he has termed 'the perils of presidentialism'⁴. In the next section, I will present the main counter-arguments to Linz's thesis by drawing examples from Poland and Bulgaria, whilst adding a further positive effect of strong Presidents, namely in relation to the process of economic reform. The longest and in a way most important section will deal with *both* parliamentary and presidential modes of government and test the hypotheses on the basis of the proposed variables. Finally the conclusion will assess the paper's main findings.

Different Forms of Government

Defining parliamentarism: the Hungarian case

Parliamentary government is the model that most CEECs have decided to follow post-1989. Arendt Lijphart defines it as 'the form of constitutional democracy in which executive authority emerges from, and is responsible to, legislative authority'⁵. In this system the chief executive decides on the composition of his cabinet and appoints the ministers. The counter-signature of the President is often required. More importantly, the government depends on the legislature's approval: in case of a successful vote of no confidence in the assembly (Parliament), the government has to resign and new elections are held⁶. Moreover, MPs can simultaneously hold their parliamentary seat and be a member of the council of ministers. Other features of parliamentarism are the dominance of cabinet over the assembly and the uni- or bicameral character of the legislature, the latter being more prominent in federal states. Interestingly, parliamentarism is based on the concept of a 'dual executive': the PM and the President. Normally, the role of the latter is limited to an institutionally ceremonial role. His functions are at best complementary to the government's decision-making authority in non-significant policy issues and sometimes non-existent. Nevertheless, textbook definitions of this sort fail to appreciate the diversity of systems that call themselves 'parliamentary' in CEE. After communism's demise the struggle over decision-making authority for the President became intensified: on the one side stood the discredited Communist

⁴ J.J. Linz, 'The Perils of Presidentialism,' *Parliamentary vs Presidential Government*, ed., A.Lijphart, Oxford, Oxford University Press, 1992, p.118.

⁵ A. Lijphart, *Democracies*, London, Yale University Press, 1984, p.68.

⁶ *Ibid*, p.68; Stepan and Skach, *op. cit.*, p.3.

Party (CP) and its personnel and on the other the newly formed opposition forces, each trying to shape institutions to their advantage. Initial expectations and calculations in 1989 played a critical role in shaping the powers of the presidency at a time when the emergent institutional vacuum had yet to be filled in any satisfactory way⁷.

Hungary is often portrayed as a classic case of parliamentarism with the PM being elected by the vote of the majority of the MPs 'upon the instigation of the President'⁸. The assembly decides on the President and his powers are certainly less than those that say, the President of Bulgaria enjoys. Nonetheless, many commentators have pointed out to the seeming discrepancy between the role of the President under 'pure' parliamentarism and the powers that the Hungarian incumbent actually enjoys. For instance, the fact that the President is said to 'safeguard the democratic functioning of the State Organisation' (art.29 par 1) sets him aside from Presidents under parliamentarism. Furthermore, an indirectly elected President is not usually given authority on postponing the sessions of the assembly (art 22 par 2 and 3) or 'instigate legislation and [...] initiate plebiscites'⁹. This inconsistency is rooted to the 1989-90 dispute between the Hungarian Socialist Party (HSP) and the opposition on the issue of whether the reformist communist leader Imre Pozsgay should be elected President. At the end of 1989 the general expectation was that Pozsgay, who due to his liberal credentials and the opposition's inability to put forward a renowned figure was well-liked among the electorate, would manage to win the post. Continued disagreement between the government and its rivals over presidential powers left many constitutional provisions, such as the ones dealing with presidential prerogatives, open to various interpretations¹⁰. This in turn reflected the opposition's unwillingness to grant to Pozsgay extensive authority that could halt or obstruct the political and economic reforms that the first post communist government promised to implement. At the end and due to the clever manoeuvring of two junior opposition parties, the Young Democrats (FIDESZ) and the Free Democrats (SZDSZ), all calculations backfired. A popular referendum decided on an indirectly elected President and for the selection to take place after the parliamentary elections. Consequently, 'instead of a communist candidate chosen in direct elections before the election of a new parliament, the presidency went to a politician from the opposition elected by the new parliament'¹¹.

⁷ J. Elster, 'Bargaining over the Presidency,' *East European Constitutional Review*, vol 2 no4/vol 3 no 1, Fall 1993/Winter 1994, p 95

⁸ J. Elster, C. Offe and U.K. Preuss, *Institutional Design in Postcommunist Societies*, Cambridge, Cambridge University Press, 1998, p 96

⁹ *Ibid*, p 98

¹⁰ P. O'Neill, 'Hungary Political Transition and Executive Conflict: The Balance or Fragmentation of Power?' *Postcommunist Presidents*, ed., R. Taras, Cambridge, Cambridge University Press, 1997, p 205

¹¹ Elster, *op. cit*, p 97

Semi-presidentialism in Poland and Bulgaria

The core features of semi-presidentialism are the direct election of the President by popular vote and the election of the PM by Parliament¹² The dual executive remains thus intact but, contrary to most parliamentary systems, semi-presidentialism assigns an institutionally strong role to the head of state¹³ Though sovereignty resides with the assembly, the President enjoys a high degree of popular legitimacy as he is elected by 'his' electorate and secures a fixed term in office, just as in presidentialist systems Moreover, he holds executive power whilst at the same time being the head of state Another typical feature of such a system is that the President has the right to appoint the PM but the latter's (and the cabinet's) survival in office depend on parliamentary confidence¹⁴

Poland and Bulgaria fit the semi-presidentialist model In both countries, the President is directly elected for a fixed term (5 years) while he also appoints the head of government Also, their respective powers are quite substantial In the Polish case and in line with the 1992 interim constitution the President

- Is '*the supreme representative of the Polish state in internal and international relations*' (emphasis added, art 28) and

- Ensures '*observance of the constitution*', '*safeguard[s] the sovereignty of the state, the inviolability and integrity of its territory*' and '*uphold[s] international treaties*' (art 28) Further presidential powers include

- His right to appoint and recall ambassadors (art 32)

- Supervising the internal and external security of the state (art 34)

- Being the supreme commander of the armed forces he can appoint and dismiss the chief of the general staff of the Army as well as other military commanders (art 35) after consulting the Mr for Defence He can also

- Appoint judges 'upon the motion of the National Council of the Judiciary' (art 42), pardon (art 43), propose to the Sejm (Parliament) the appointment and recall of the head of the country's National Bank (art 40) and introduce a state of national emergency (art 37) Finally, the President is also entitled to initiate legislation (art 15) and dissolve the Sejm if it fails to approve

¹² J J Linz and A Valenzuela, *The Failure of Presidential Democracy* London, John Hopkins University Press, 1994, p 48 See also S Fabbrini, 'Presidents, Parliaments and Good Government,' *Journal of Democracy*, vol 6, no 3, July 1995, p 33

¹³ M Shugart M and J Carey, *Presidents and Assemblies*, Cambridge, Cambridge University Press, 1992 p 23

¹⁴ Linz and Valenzuela, *op.cit* , p 48

a budget endorsed by the Sejm within 3 months from submission to the cabinet (art. 21)¹⁵.

In Bulgaria, though not as encompassing as in Poland, presidential powers are extensive too. According to article 98 of the constitution, the President can:

- 'Cancel uncollectible debts to the state' (par. x)
- 'Inform the National Assembly on basic problems within his prerogatives' (par. ix)
- 'Grant asylum' (par. x) and
- 'Promulgate the laws' (par. iv)¹⁶

Czech Republic and Slovakia clearly constitute parliamentary regimes since, besides the indirect mode of election, the President's powers are severely constrained. Characteristically, art. 63 par.3 of the Czech constitution asserts that: '*In order to be effective, a decision of the President of the Republic... must be countersigned by the Prime Minister or by a member of the Government authorised by him*'¹⁷. It is obvious that the formal room of manoeuvre for the President is severely circumscribed. However, the paper will show that the institutional/constitutional set up is not the only power resource for a President of any of the two systems.

Strong Presidents: a critique

From the outset, it has to be emphasised that Linz's critique on presidentialism, a critique resulting largely from his work on Latin American politics, applies to semi-presidentialist regimes as well. That is so because these two systems share two central characteristics: 'the dual democratic legitimacy of the presidency and the legislature as a result of popular election and, with some modifications, the rigidity in the time for which presidents are elected'¹⁸. At its core, the criticism of Linz is comprised of two elements: on the one hand he asserts that the institutional prerogatives on which the President operates will ultimately define his contribution to the political system. Then, and by viewing a strong President as potentially dangerous, he regards political stability to be better served under parliamentarism where the President is said to be *de facto* unable to influence events and sovereignty is attached to Parliament. In his words, parliamentarism's 'more flexible and adaptable institutional context' provides political actors with more opportunities to consolidate young

¹⁵ K. Jasiewicz, 'Poland: Walesa's legacy to the presidency,' *Postcommunist Presidents*, ed., R.Taras, Cambridge, Cambridge University Press, 1997, pp.142-145.

¹⁶ Council of Europe, *The Rebirth of Democracy: 12 Constitutions of Central and Eastern Europe*, Strasbourg, Council of Europe, 1996, p.32.

¹⁷ *Ibid.*, p.101

¹⁸ J. Linz, 'Introduction: Some Thoughts on Presidentialism in Postcommunist Europe,' *Postcommunist Presidents*, ed., R.Taras, Cambridge, Cambridge University Press, 1997, p.4.

democracies¹⁹. By contrast, a semi-presidential system such as the one in Poland suffers from major weaknesses.

The first major problem with semi-presidentialism is believed to be that when a President and PM of different political persuasions collide on issues of major importance, the constitutional mechanisms for resolving such disputes are likely to be cumbersome and legalistic, eroding public confidence on the salience of democratic decision-making. What is more, the incentives that semi-presidentialism provides to political actors to act in a co-operative way are absent due to the 'winner-take-all concept' on which semi-presidentialism is allegedly based. This in turn tends to undermine the democratic system of government as a whole²⁰. Furthermore, such a situation may give rise to political stalemate with neither side backing off from what it sees as its constitutional right to exercise authority on a certain policy issue. The negative implications of such a state of affairs go well beyond the political system and may include the lack of business confidence in the state and hence reduced inflow of foreign investment, which may become a vicious circle and lead to chronic economic underdevelopment and, consequently, political instability. What may initially appear to be an institutionally driven conflict, Linz's reasoning continues, may soon become a political and social division. Such a phenomenon can be the result of presidential action; frustrated for not possessing instruments such as a trusted majority in Parliament to abide by his/her will, the President may appeal directly to the public in search for support. Such an option may force him/her to concentrate his message on the more 'traditional or provincial' electorates and set him/her in opposition to society's urban, modernist segments and thus polarise society to a dangerous extent²¹. In the Central and East European context of the 1990s such a process could endanger democratic consolidation and therefore lead to delays regarding the alignment with EU norms on democratic accountability.

Bulgaria

Applying this criterion to the Bulgarian and especially the Polish case, one can find at least partial verification of this theoretical model. Starting with Bulgaria, President Zhelyu Zhelev was elected in 1992 on the second round, acquiring 52.8% of the vote²². Initially, both main parties in post communist Bulgaria, the BSP and the UDF supported Zhelev's candidacy, although the latter had become increasingly disillusioned with Zhelev after the 1991 parliamentary elections. The UDF had emerged triumphant from the ballot box

¹⁹ Linz, *op. cit.*, p. 126.

²⁰ Linz and Valenzuela, *op.cit.*,p.7; Stepan and Skach, *op.cit.*,p.18; Shugart and Carey, *op.cit.*,p.32.

²¹ Linz and Valenzuela, *op.cit.*,p.8.

²² J.D.Bell, 'Democratisation and political participation in "Postcommunist" Bulgaria,' *Politics, Power and the Struggle for Democracy in South-East Europe*, eds., K.Dawisha and B.Parrot, Cambridge, Cambridge University Press, 1997, p.380.

and its endeavour to de-communise Bulgaria by denying pensions to BSP retirees or ban former BSP members from the civil service met with presidential disapproval²³ Zhelev interpreted socialist support as a symbolic gesture pointing to the need of avoiding ideological polarisation and sought a functioning political consensus Nevertheless, the fact that his relationship with the UDF was already strained impacted negatively to the existing problem of separating powers The President had overlapping authority on the issues of commanding the armed forces and representing Bulgaria internationally with the ministers for Defence and Foreign Affairs respectively²⁴ The relationship between Zhelev and the ruling majority did not improve after the 1994 parliamentary elections either, which saw the revival of a BSP-dominated parliamentary majority allied with smaller leftist parties Clearly, the government would have preferred a President with less authority The deterioration of their rapport in the course of 1996 led to prime ministerial accusations of a 'presidential sabotage' on the attempts to stabilise the financial system in the country²⁵ as well as to riots in the centre of Sofia by large crowds hostile to the socialists Zhelev's electorate played a crucial role in orchestrating these protests in January 1997 with the President describing the situation as 'explosive' and comparing it to a 'detonator able to blow up [the country]'²⁶ Seen in this light the President's role during the crisis certainly aggravated existing tensions and led to a crisis that transcended political differences and escalated to a perilous degree

Poland

In Poland, both the dual legitimacy and the socio-demographic heterogeneity of Polish society in the early transition period provided fertile ground for continuous struggles between President Walesa and the Sejm Lech Walesa's 'naturally flexible' personality²⁷ and his interpretation of the office of the presidency certainly influenced subsequent events, *irrespective of his formal powers* For now, however, it is helpful to concentrate on his term in office in relation to the twofold executive

As with Bulgaria, desire for de-communisation on a rapid pace after 1989 caused a very serious conflict between Walesa and the government, which also illustrated the difficulties for establishing a clear-cut separation of powers between a strong President and the governing majority On 20 December 1991 Jan Olszewski, leader of the Centre Alliance, became Prime Minister heading a three-party coalition The new government, faced with mounting economic

²³ *Ibid* p 379

²⁴ *Ibid* p 374

²⁵ BBC Monitoring World Broadcasting 13/4/1996 Premier Accuses President of Sabotaging Reform

²⁶ <<http://www.cnn.com/WORLD/9701/11/bulgaria.politics>>, Accessed 22/11/2004

²⁷ H S Lee, 'Transition to Democracy in Poland,' *East European Quarterly* vol 35, no 1, Spring 2001, p 103

difficulties, launched a vigorous campaign aimed at removing remnants of the communist regime from the public sector and the armed forces in particular²⁸. The new Defence Minister Jan Parys miscalculated, however, when he tried to reorganise the military without seeking presidential approval as constitutionally required. When Walesa's staff reacted, Parys hinted at the president's unwillingness to de-communise Poland. For a prominent anticommunist, this was too much. Walesa used his constitutional prerogatives and on grounds of illegitimate decision-making on behalf of the government forced first the PM to oust Parys and subsequently the fall of Olszewski's government itself²⁹.

On the issue of polarisation, Walesa's record remains ambiguous. His 1990 election was largely due to an over-representation of older, less educated and strongly religious people in the ballot box³⁰. Failing to unite the Solidarity camp, the President appeared on a few occasions partisan and divisive, trying to match his deeds with his electorate's desires. For instance, in 1994, Walesa vetoed some amendments to the penal code proposed by the government that would de-criminalize abortions. His stance polarised society and religious groupings took a militant stance against the government; luckily, the Sejm failed to override the President's veto and the law did not pass. If it had, an impeachment procedure, burdened with the negative impression it would make worldwide, would be the only constitutionally sound method of surpassing presidential protestations.

On a separate occasion in October 1994, at a time when Walesa had declared the 'war of institutions' against the left-wing government and had started his re-election campaign for next year's presidential contest, the Sejm passed an unprecedented resolution entitled 'Address to the President' urging him to desist from all activities that could imperil democracy and the rule of law³¹. This time triggered by the President's constitutionally dubious act to fire the National Broadcasting Council's chairman, the resolution is indicative of the political stalemate to which Polish politics had arrived. Walesa's actions at this stage did little to release mounting political tension.

The president's fixed term in office

A second category of arguments against semi-presidentialism refers to the alleged rigidity that the President's fixed mandate introduces to the political game. Presidents are elected, so the argument goes, for a period of time that can normally not be modified according to popular will. A President that for some reasons(s) has become detested is unmovable from his position³². The time

²⁸ Jasiewicz, *op.cit.*, p.139.

²⁹ A. A. Michta, 'The Presidential-Parliamentary System,' *Transition to Democracy in Poland*, ed., R. F. Starr, New York, St Martin's Press, 1993, p.67.

³⁰ Jasiewicz, *op.cit.*, p.133.

³¹ *Ibid.*, p.152.

³² Linz and Valenzuela, *op.cit.*, p.8.

period of the presidential term becomes a core factor in the calculations of all political actors who are obliged to try and cope with a discredited President. The political horizon becomes fragmented and rigidly delineated into separate periods without allowing any necessary readjustments. Especially in CEE with its fluctuating socio-economic conditions such flexibility is deemed essential³³. Of course, a last resort can be the launching of an impeachment procedure. Such a decision, however, entails a series of negative side effects (such as the disturbance of everyday political proceedings, the negative repercussions on world markets and the potential political cost that a party or group of MPs pursuing presidential impeachment would have to pay) that few political actors would be willing to take it on.

Bulgaria

In Bulgaria, Zhelyu Zhelev's five-year term angered the UDF-led majority in the course of 1993. UDF parliamentarians accused him of co-operation with 'communist forces' in an effort to block economic changes. One of these deputies, Edvin Sugarev, sent an open letter to Zhelev condemning his life-long communist sympathies and collaboration with money launderers³⁴. He then proceeded with a hunger strike wanting to symbolise his party's defiance to the President. In this political atmosphere, which also featured Zhelev's vice-president resignation on grounds of 'an imminent dictatorship', Zhelev reacted positively. Delivering a radio address to the nation, the President resisted the calls for his immediate removal, called for the restoration of normality and denied the necessity of hunger strikes in a democracy. Indeed, things soon eased up with UDF condemnation becoming milder and Sugarev ending his hunger strike³⁵.

The Bulgarian example demonstrates that a fixed mandate is not detrimental *per se*; the UDF strongly favoured Zhelev's removal but in the end the fact that it could not impose it proved beneficial for socio-political stability. Moreover, the reasons for the uneasy relationship between Zhelev and the government were not institutionally derived but should be better be analysed in the context of a political culture long associated with the conscious personalisation of political conflicts³⁶.

A zero-sum game

A final criticism against semi-presidentialism is the so-called 'winner-take-all' mentality that results from the nature of the contest over a strong

³³ Linz, *op.cit.*, p.122; Shugart and Carey, *op.cit.*, p.29.

³⁴ Bell, *op.cit.*, p.385

³⁵ *Ibid.*, p.385

³⁶ On the salience of political culture see S.M.Lipset, 'The centrality of political culture,' *Journal of Democracy*, vol.1, no.4, Fall 1990, pp.80-83. See also BBC Monitoring-World Broadcasting 18/3/1996: **President Says Banking System is "Robbing" People.**

presidential office. The exclusive nature of the election, in which the losing candidate retains no institutional role, is allegedly giving rise to the winner's conviction that he enjoys a universal mandate. This feeling, in turn, is likely to bring about an authoritarian predilection that can harm democracy's long-term prospects³⁷. Furthermore, the feeling of supreme legitimacy shapes a zero-sum game with the winner enjoying legislative power, status and influence whilst the loser is effectively prevented from representing his constituency's wishes. At the same time, this lack of an institutionalised title for the losing candidate reduces his/her willingness to form a co-operative framework of dealing with the President³⁸. Finally, when such a presidential contest takes place within a well-organised party system, parties and their leaders aspire solely to capturing the winning ticket in the elections and neglect the rest of their political functions³⁹.

As demonstrated in the Bulgarian case, however, such an assertion has again to be qualified, at least in some parts. Firstly, a semi-presidential system can only with great difficulty give rise to a zero-sum game; the President *has to* share power with the other branch of the executive and in both Poland and Bulgaria is restricted in his institutional privileges. Secondly, whether a zero-sum game is going to be the result of a presidential election is a question that transcends the institutional set-up, including what Linz sees as the unavoidable consequences of this system such as polarisation and lack of co-operation. The electoral law applying to the election, for instance, is a crucial factor in facilitating or blocking the occurrence of destabilising phenomena. The degree of party support that a candidate gathers around him/her is very important, too: in the fragmented and highly volatile party system of 1990 Poland, President Walesa obtained the support of only a fraction of the Solidarity movement, namely the right-wing, strongly Catholic one⁴⁰. The liberal and secular fraction of the movement (represented by ex-PM Tadeusz Mazowiecki) was marginalized, as was a formidable minority that opted for the maverick politician 'Stan' Tyminski⁴¹. In that sense, a zero-sum game did occur. Nevertheless, its continuation had more to do with the President's authoritarian tendencies and desire to mould the office according to his needs and less with the institutional privileges he enjoyed⁴².

The point is reinforced if one looks at analogous developments in Bulgaria. Admittedly here the President enjoyed somewhat reduced powers compared to

³⁷ Linz and Valenzuela, *op.cit.*, p.14.

³⁸ Shugart and Carey, *op.cit.*, p.3.

³⁹ R.Taras, 'Separating Power: Keeping Presidents in Check,' *Postcommunist Presidents*, ed., R. Taras, Cambridge, Cambridge University Press, 1997, p.31.

⁴⁰ Stepan and Skach, *op.cit.*, p.21.

⁴¹ R.Taras, 'The Politics of Leadership,' *Developments in Central and East European Politics 2*, eds., S. White, J. Batt and P. G. Lewis, Basingstoke, Macmillan, 1998, p.120.

⁴² Jasiewicz, *op.cit.*, p.130.

his Polish counterpart. Still and despite his fierce clash with the UDF (and the BSP later), Zhelev did not give rise to a zero-sum game. He appealed to the people on a less partisan manner and was assisted by a relatively stable party system and an electoral law that facilitated the formation of stable governments. Avoiding 'the excesses of pure majoritarianism on the one hand, and the negative consequences of an extreme proportionality on the other'⁴³, the electoral system played its part in the stabilisation of big, catch-all parties (like the BSP and the UDF) on whose co-operation or, at least tolerance, Zhelev could count. The President, even at the high point of his conflict with the administration, continued to support his arguments in the name of the need for consensus and national dialogue between the government and the opposition forces.

The Counter-argument: The Benefits of Presidentialism

Identifiability

Under semi-presidentialism the voter casts his ballot knowing exactly whom he is voting for⁴⁴. The issue of identifiability is very important since it allows the electorate to make a 'prospective' choice'⁴⁵. The President-elect is guaranteed to enjoy a secure, fixed term mandate and the country expects from him/her an eloquent set of policies. By contrast, a parliamentary system reduces identifiability by catering for a more collective leadership where the head of government is only one member of the cabinet. Especially under coalition governments, identifying what the government stands for becomes an arduous task. The Prime Minister is forced to balance conflicting policy schemes in order to stay in power; in some cases, his/her desire for a specific course of action may be delayed or even dropped altogether for the sake of maintaining the balance of party political power. Nevertheless and although this argument, partially supported by Linz and Valenzuela is convincing⁴⁶, the electoral law is again a very crucial mediating factor in the outcome of different forms of government, in this case of parliamentarism. When a party obtains only a minority of the popular vote but gains a clear majority of deputies, its leader will inevitably be strengthened in his/her position as PM. That was the case in Hungary in 1994, when the Socialist Party obtained 33% of the popular vote but gained 54.1% of the seats in Parliament⁴⁷.

⁴³ D. Kanev, 'Bulgaria: "Left" and "Right" in the Emerging Party System,' **Grappling with Democracy: Deliberations on Post-communist Societies**, 1990-95, ed., E.Matynia, Prague, Sociologické Nakladatelství, 1996, p.178.

⁴⁴ Linz and Valenzuela, **op.cit.**, p.10.

⁴⁵ Shugart and Carey, **op.cit.**, p.45.

⁴⁶ Linz and Valenzuela, **op.cit.**, pp.10-11.

⁴⁷ Elster, Offe and Preuss, **op.cit.**, p.154.

Accountability

Accountability is a further characteristic of semi-presidentialism that sheds a positive light to its overall functioning. The direct election of the head of state means that he is directly responsible for his policies, in accordance with his pre-election pledges. Parliamentary systems are in this respect handicapped on two grounds:

1) Accountability is weakened when governments change just before or after an election in an attempt to maximise popularity. Voter confusion is often the result of such a process, as the electorate cannot hold accountable a leader for decisions taken under a different leadership⁴⁸.

2) Central and East European democracies have predominantly chosen parliamentary democracy to the former Soviet republics⁴⁹. Still, their success in deepening democratic institutions as a by-product of this choice remains circumspect. Notwithstanding the difficulties that semi-presidentialist countries like Poland, Bulgaria and Romania face, the levels of voter apathy, corruption in public life and the lack of professionalism displayed by many MPs in Hungary, the Czech Republic and Slovakia have a corrosive effect on the quality of the democratic system.

Presidents and Economic Reform

A third argument in support of semi-presidentialism is contextual to the transition process in CEE and is related to the difficulties of crisis-ridden economies. At the beginning of the 1990s Central and Eastern Europe was suffering from a dire economic situation characterised by low living standards and minimal levels of productivity, bureaucratic socialism had led to the dominance of inefficient state owned enterprises and the need for sweeping market reforms was all too apparent⁵⁰. Moreover, the process of transition was not harmless: large sections of society were unable to cope with the new market reality, which demanded skills they had not been trained for under communism⁵¹. Unemployment and poverty rose in most countries very substantially at a time when the public expected the governments to secure higher living standards whilst restructuring the economy⁵². Inevitably, public disillusionment with the leadership soon surfaced.

⁴⁸ Powell cited in Shugart and Carey, *op.cit.*, p 44

⁴⁹ Riggs, *op.cit.*, p 219

⁵⁰ R. Donnorummo, 'Poland's Political and Economic Transition,' *East European Quarterly* vol 28, no 2, June 1994, pp 268-272

⁵¹ G. Kolankiewicz, 'Poland,' *The New Institutional Architecture of Eastern Europe* ed., S Whitefield, Basingstoke, McMillan, 1993, p 101

⁵² See N Barr and W Harbison, 'Overview: Hopes, Tears and Transformation,' *Labor Markets and Social Policy in Central and Eastern Europe*, ed., N Barr, New York, Oxford University Press, 1994, pp 1-14

Constitutionally strong Presidents in such a context could be a constructive force by continuing to support the necessary economic changes while at the same time stressing their concern about the hardship of the population and the need for considering the social effects of certain reforms.

Poland

Notwithstanding populist proclamations he drew on during the 1990 presidential campaign (such as to hand out 100 million zloty to every citizen⁵³), President Walesa worked throughout his 5 years in office for the continuation and success of the economic reform programme.

Firstly, after his election in 1990, Walesa kept Leszek Balcerowicz as Minister for Finance. Balcerowicz's infamous 'shock therapy' programme had begun on 1. January 1990 and essentially entailed the rapid transition to a functioning market economy. The process was negatively affecting the purchasing power of a big minority of the population.

Secondly, Walesa played an active role in securing a US-sponsored cut-off of 20% of Poland's debt burden in winter 1990 after a visit to Washington and ensured parliamentary consent for his chosen head of the National Bank of Poland. The latter was best known for his commitment to the government's austerity plan and Walesa's endorsement of such a candidate confirmed his pro-reformist stance⁵⁴. A final illustration of Walesa's economic outlook involves his handling over the 1993 IMF loan and that year's budget. Conditional upon a budget deficit of not more than 5% of GDP -and an annual inflation of 36%- the IMF announced on 24. November 1993 that it would release a \$700 million package to Poland for the forthcoming year. If these conditions were met, Poland would be entitled to further assistance with respect to restructuring its banking system⁵⁵. Walesa moved quickly to publicly endorse the 5% ceiling; afterwards and once the government (headed at the time by Hanna Suchocka) submitted its fiscally tight budget to the Sejm for approval, he again intervened and threatened to dissolve the assembly if the budget was not endorsed. At the end his tactics proved fruitful as in the actual voting 230 MPs voted in favour and 207 against⁵⁶.

Zhelev

In Bulgaria, President Zhelev has also assisted the process of economic reform quite considerably. This has not been an easy task, however, for two principal reasons:

⁵³ Kolankiewicz, *op.cit.*, p.111.

⁵⁴ J. Bjork, 'The Uses of Conditionality: Poland and the IMF,' *East European Quarterly*, vol.29, no.1, Spring 1995, p.110.

⁵⁵ *Ibid.*, p.111.

⁵⁶ *Ibid.*, pp.109-111.

- Bulgaria being a weak 'semi-presidentialist' country, authority in the field of economic policies lies primarily with the government.

- Starting from 1989 and continuing to the mid-1990s, all major economic indices in the country (such as annual GDP, inflation, industrial output and so on) declined⁵⁷. By the time the BSP returned to power in 1994 the economy had reached bottom and the government enjoyed a comfortable parliamentary majority that would allow structural reforms to kick off⁵⁸. Nevertheless, the Socialist government initiated a series of 'nomenklatura privatisation' schemes⁵⁹ even though it had promised to follow the Czech model of voucher privatisation. Beginning from 1996, the GDP fell sharply, the currency was devalued, and the IMF imposed a currency board on Videnov's government⁶⁰.

Zhelev led the opposition to the BSP. Using the powers accorded to him by the constitution, the President challenged a series of legislative proposals by vetoing them; once his veto was overridden, he would challenge their legality by sending them to the Constitutional Court. His active rejection of proposed legislation delayed and in some case blocked the passage of laws widely seen as partisan and unfavourable to economic reformism. This opposition was made plain when Zhelev pointed out to the alleged connection of the BSP and the mafia operating in Bulgaria⁶¹. At the time of the 1997 riots in Sofia described above, Zhelev urged all political parties to reach an economic consensus on the basis of 'instill[ing] financial discipline as demanded by the International Monetary Fund'⁶².

Beyond mere constitutionalism/institutionalism

The following section will address directly the issue of real presidential power and show that the institutional settlement of 1989 does not always guarantee the projected outcome. The office of the Presidency is many-sided and influenced by a range of variables. That is even more so in CEE where the first 10 years of democratic transition have been accompanied by political and economic uncertainty, the personalisation of political battles⁶³ and popular mistrust towards the political process in general.

⁵⁷ See Table 9.9 in Bell, *op.cit.*, p.391.

⁵⁸ *Ibid.*, p.391.

⁵⁹ Elster, Offe and Preuss, *op.cit.*, p.262.

⁶⁰ Bell, *op.cit.*, p.392.

⁶¹ *Ibid.*, p.392.

⁶² <<http://www.cnn.com/WORLD/9701/11/bulgaria.politics/>>, Accessed: 18/09/2004.

⁶³ B.G.Peters, R.A.W Rhodes and V. Wright, 'Staffing the Summit- the Administration of the Core Executive: Convergent Trends and National Specificities,' *Administering the Summit: Administration of the Core Executive in Developed Countries*, eds., B.G.Peters, R.A.W.Rhodes and V. Wright, Basingstoke, McMillan, 2000, p.7.

Goncz/Hungary the people's darling

The constitutional rights of the President in Hungary are, as seen, limited, the country's historical tradition plays a great role in that. Nevertheless, Arpad Goncz managed to acquire a role in Hungarian affairs in excess of the set institutional arrangement. Goncz himself holds this to be partially a result of the confusion that existed in the country after 1989 and certainly until the death of the first democratic PM, Josef Antall, in 1993. Inevitably, he believes, conflict between him and Antall had to take place at a time when both were trying to 'learn the rules of the new game, the game of democracy'⁶⁴

In a few occasions and most explicitly in his speech upon accepting the office, Goncz made it clear that, to his understanding, the President did not have simply a ceremonial role⁶⁵. Subsequent events proved him right. In the early days of the post communist era, the foreign minister Geza Jeszensky attacked the opposition parties for obstructing the role of government and causing trouble to the ministry in trying to handle issues of high national importance. Goncz intervened in the dispute and expressed his strong disapproval of the minister's statements⁶⁶. Antall swiftly rebuked the President for interfering in the issue. It was the first sign of a relationship that was becoming increasingly strained although President and PM were not coming from opposite political camps. In their next big dispute the balance of power tilted towards the President thanks to the legitimacy that the latter acquired in the eyes of the public.

In October 1990 the government announced that it had decided, bearing in mind the repercussions of the Gulf crisis, to increase gas prices by up to 65%⁶⁷. Although it was an economically sensible decision at a time when the treasury's coffers remained empty and could hardly finance the increased welfare expenditure resulting from the liberalisation of the economy, the population reacted angrily. Taxi and truck drivers decided to strike *en bloc* as a sign of protest, soon the crisis escalated with drivers blockading key road and rail passages that linked the country with Yugoslavia and Austria. As the economic consequences threatened to unbalance the economy, governmental officials implied that they would end the blockade by using the military and forcing the strikers back to work. As commander in chief of the armed forces, Goncz used his constitutional entitlements to order the army to remain in the barracks⁶⁸ and proposed an extraordinary parliamentary session where the problem could be

⁶⁴ Personal communication by the author with President Goncz. Budapest, 22/4/2002

⁶⁵ P. O'Neil, 'Hungary: Political Transition and Executive Conflict. The Balance or Fragmentation of Power?' *Postcommunist Presidents*, ed., R. Taras, Cambridge, Cambridge University Press, 1997, p. 209

⁶⁶ B. Lomax, 'Hungary,' *The New Institutional Architecture of Eastern Europe*, ed., S. Whitefield, Basingstoke, McMillan, 1993, p. 88

⁶⁷ O'Neill, *op.cit.*, p. 209

⁶⁸ Lomax, *op.cit.*, p. 88

debated and resolved. Despite the fact that this second action was also consistent with his rights, Goncz did not refrain from political interference by stating that he saw himself as an arbiter between the government and the strikers. Consequently, the protesters appealed to him to negotiate on their behalf with Antall's government while some MPs stemming from the ruling party, the MDF, started to accuse Goncz of 'overstepping his authority', neglecting his constitutionally enshrined duty to cater for the country's overall welfare⁶⁹. Later developments strengthened Goncz's position, however: on the one hand, the government was persuaded to enter into negotiations with the drivers. The dialogue proved successful and the blockades were soon lifted. On the other hand, some opposition MPs, eager to reap political benefits from the crisis, called for an enhancement of Goncz's constitutional status to work as a check against the government⁷⁰. Still, the most important development was popular reaction to the presidential handling. In spite of the government's attempts to discredit him by organising public rallies against him⁷¹, the majority of Hungarians sided with Goncz. The initiative he had taken 'proved to many people that there was at least someone in political life that took their views seriously'⁷². An opinion poll released two months after the crisis showed that apart from having become the nation's most popular figure, the majority of Hungarians believed that it was the President rather than the popularly elected government that had handled the gas crisis⁷³.

The gas strike was one of a series of conflicts between Goncz and the government that mainly involved the area of constitutional jurisdiction of the two offices⁷⁴. In these disputes however, presidential intervention was less beneficial: Goncz appeared to be guided by trivial political considerations when he declined to counter-sign the dismissal of the heads of TV and radio even when they desired to resign from their posts! In this important respect, Goncz's role stopped being confined to the arbiter model and became politically polarising. The TV and radio crisis was in Linz's terminology a zero-sum game with the government and the directors *entirely* dependent on the President's will. In any case, Goncz was re-elected in 1995 and the end of his second tenure had raised his status in Hungarian political life considerably⁷⁵.

⁶⁹ O'Neill, *op.cit.*, p.210.

⁷⁰ *Ibid.*, p.211.

⁷¹ *Ibid.*, p.210.

⁷² A. Mink, 'Hungary,' *East European Constitutional Review*, vol.2 no. 4/vol.3 no.1, Fall 1993/Winter 1994, p. 70.

⁷³ O'Neill, *op.cit.* p.210; S. Holmes, 'The Postcommunist Presidency,' *East European Constitutional Review*, vol.2 no.4/vol.3 no.1, Fall 1993/Winter 1994, p.39.

⁷⁴ Mink, *op.cit.*, p.71.

⁷⁵ See for instance 'Hungary: President Calls For Regional Amity' <www.rferl.org/nca/news/1997/08/N.RU97080472921.html>, Accessed: 17/08/2004 and 'President says Hungary and Slovakia should join EU together', BBC Monitoring, 14/6/1996

Zhelev/Bulgaria and the use of informal channels

The example of Zhelev's informal increase of powers highlights the limitations of Linz's thesis: whether a President is constitutionally strong or whether he operates under semi-presidentialism or parliamentarism, his role in political and sometimes economic life is not defined by the institutional settlement at all times. Though acquiring more power in a fashion disparate from Goncz's method (through establishing informal networks of power rather than by gaining the public's trust), the Bulgarian President's example reinforces this argument.

In early September 1992, the President began a strident attack against the government. A few weeks later, General Brigo Asparukhov purported to have evidence linking some UDF officials to illegal shipment of weaponry to FYROM despite the sanctions that the UN had established in the whole of ex-Yugoslavia⁷⁶. Asparukhov was directly answerable to the President and rumours over Zhelev's interest in establishing a network of associates close to the centres of decision-making on issues of national security and counter-intelligence gave credit to the argument that Zhelev was trying to cause the downfall of Dimitrov's government. According to the Bulgarian constitution, however, the President could not dismiss the PM (art.99, paragraph iv⁷⁷). Dimitrov made the mistake of calling for a vote of confidence in Parliament to make a fresh political start and present the story to the Bulgarian people as sabotage against him. This was the end of his government; the Turkish minority party MRF declined to vote in support of the administration and sided with the Socialists. New PM became the MRF-nominated Liuben Berov. The fact that the latter was a politically inexperienced *personal adviser to the President* and the extensive consultations that the MRF leader, Ahmed Dogan, held with Zhelev prior to the no confidence vote add further weight to the scenario that the President effectively ousted Dimitrov from office⁷⁸. According to Ganev, '[t]hese developments lend some plausibility to the common belief that the President, while constitutionally weak, *exercise [d] in fact considerable leverage over appointments and dismissals in the council of ministers*'⁷⁹ (Ganev, 1993:63, emphasis added). Moreover and by exploiting the crisis, Zhelev managed to obtain almost exclusive jurisdiction over the appointment of senior military personnel: his links with the army were further strengthened as a result of the government overthrow and 'the requirement of a ministerial motion concerning appointments and dismissals of generals [were] effectively... reduced to an

⁷⁶ V.Ganev, 'Bulgaria II,' *East European Constitutional Review*, vol.2 no.4/vol.3 no.1, Fall 1993/Winter 1994, p.63; Bell, *op.cit.*, p.384; T.Verheijen, *Constitutional Pillars for New Democracies: the Cases of Bulgaria and Romania*, Leiden, DSWO Press, 1995, p.136.

⁷⁷ Council of Europe, *op.cit.*, p.33.

⁷⁸ Ganev, *op.cit.*, p.63.

⁷⁹ *Ibid.*, emphasis added.

insignificant formality'⁸⁰. A similar development has taken place in the appointments of diplomatic missions abroad; though it is not a field of policy-making that affects everyday Bulgarians, it is indicative of the extent to which the President had managed to expand his sphere of policy intervention. While the council of ministers was supposedly co-responsible for appointing diplomats in foreign missions (art. 98, paragraph vi of the constitution), in several cases it failed to pass the necessary motion hence allowing Zhelev to appoint people close to him. In 1993 the promotion of Marko Ganchev as ambassador to Belarus confirmed such views; Ganchev had been a fervent supporter of the President's policies for a long time⁸¹.

Finally, Zhelev used his 'networking' capacities to affect the course of certain economic issues too. The presidency and its staff were in 1993 practically in total control over the negotiations with the UN on the issue of compensation for Bulgaria from the damage inflicted to the country by the war on Yugoslavia. The argument put forward by Zhelev and his team was that Bulgaria had not yet developed a strong market economy capable of overcoming the tremor caused by the war. Secondly, the experts of Bulgaria on the issue of the state's foreign debt (which had mounted in the 1980s as a result of the communist party's attempt to subsidise consumption) worked closely with Zhelev and frequently sidelined the government. The head of the foreign debt committee, Marianna Todorova, *while constitutionally subordinate to the cabinet*, maintained a much better and close relationship with the group of experts surrounding Zhelev since she had served as a personal advisor to the President's office⁸².

Both Goncz and Zhelev's tenure in office lend credibility to the original hypothesis: a President willing to participate actively in political and economic affairs that he deems important is more often than not able to do so regardless of his official powers particularly when constitutional uncertainty is the norm (Goncz) and the balance of power in the echelons of decision-making units can swing to his preference (Zhelev). However, Goncz's tenure with respect to the media war also displays the second inaccuracy of Linz's model; an indirectly elected President can sometimes be confrontational and polarising; this is not an exclusive prerogative of directly elected, constitutionally strong heads of state.

Personality as a mechanism for influence

Aside from political legitimacy and the use of informal networks of power, the personality of a leader is a third central variable affecting the office of the presidency. Undoubtedly, personal input is important in almost all positions of authority. In the context of CEE, however, its importance is greater than normal

⁸⁰ *Ibid.*, p.63.

⁸¹ *Ibid.*, p.63.

⁸² *Ibid.*, p.63.

when evaluated alongside various interacting forces such as a feeble civil society, the unstable constitutional separation of powers (at least until the late 1990s) and the socio-economic turmoil accompanying transition to liberal democratic politics⁸³. The examples of President Kwasniewski in Poland (as opposed to his predecessor Walesa) and Havel and Meciar in Czech Republic and Slovakia respectively come to confirm the argument about parliamentary Presidents made earlier in the light of Goncz's activity and provide further proof of the conciliatory role that a 'semi-presidential' leader can perform.

Poland

In November 1995, Aleksandr Kwasniewski became the new Polish President after acquiring 51.72% of the votes in the second round⁸⁴. His record in office, sharply contrasting to that of his predecessor, reveals the importance of personality in shaping the framework of presidential powers.

At the beginning of the 1990s, Walesa sought to create the image of a strong, decisive leader and even flattered himself by inviting comparisons with Marshal Pilsudski, Poland's *de facto* dictator in the interwar period. His confrontational political style became a liability after some time and he involved himself greatly in toppling two Prime Ministers, Pawlak in February 1995 and Olszewski in 1992⁸⁵. Kwasniewski's tenure in office showed that '...the *actual* role of the President is very much defined by the personality and actions of the incumbent'⁸⁶. Although strong in paper, Kwasniewski did not exert considerable influence on Polish affairs. Even more to the point, he followed a conciliatory and unifying course of action; strong powers did not lead to zero-sum games and a 'winner-take-all' mentality as happened with Walesa and Goncz.

Indeed, it would be accurate to say that Kwasniewski's political presence would fit more the one usually associated with parliamentary systems. In his electoral campaign in 1995 he emphasised the need for co-operation and dialogue between all parties so as to accomplish the 'national goals' of economic growth and membership in the EU⁸⁷. Though clearly identifying with the ex-communist PSL as leader of the party and junior minister in the last communist government, Kwasniewski avoided the temptation of polarising society on the basis of the left-right axis, a tactic that Walesa had repeatedly pursued. To be sure, his election ended the co-habitation of a right-wing President with a left-wing majority in the Sejm and, as in the case of Goncz

⁸³ D.Malova, 'Slovakia,' *East European Constitutional Review*, vol.1, No.2, Spring 1995, p.76.

⁸⁴ Jasiewicz, *op.cit.*, p.161.

⁸⁵ T.A.Baylis, 'Presidents Versus Prime Ministers: Shaping executive authority in Eastern Europe,' *World Politics*, vol.48, no.3, April 1996, p. 297.

⁸⁶ Jasiewicz, *op.cit.*, p.147, emphasis added

⁸⁷ Van der Meer Krok Paszkowska, A, "Poland," *Semi-Presidentialism in Europe*, ed., R. Elgie, Oxford, Oxford University Press, p.186.

from 1994 to 1998, made things easier for government and head of state shared a similar ideological background⁸⁸. Nonetheless, Kwasniewski did not alienate the right-wing minority, something Goncz had arguably done during the media war; in the contrary, he became a supporter of the Centre Alliance's call for rapid economic reform and threatened 'his' government to veto decisions he held to be reckless⁸⁹.

The clearest indication of the President's understanding of his office was his attitude towards constitutional reform. Walesa had launched a bitter attack on Pawlak in 1995 and contributed to the so-called 'war of institutions' between the Sejm, the President and the PM as well as the involvement of the Constitutional Court. The latter was repeatedly asked to decide on the constitutionality of pieces of legislation. Kwasniewski, realising popular disillusionment with this phoney war, campaigned in 1995 on a platform of constitutional reform that would ease this friction. Although he rejected the idea of a ceremonial President, he co-operated effectively with the parliamentary committee set up for the purpose of reforming the 1992 interim constitution and, at the end, came to accept a version of the Presidency with a much lower political profile. Under the 1997 agreement, the President

*'[h]as had to accept a lower override of his veto [N.B 3/5 rather than 2/3 of MPs required to overturn his veto], he has lost the right to veto the budget, and the possibility to ask the Constitutional Tribunal to rule on a bill which the president's veto has been overturned by the Sejm. Finally, the Prime Minister no longer has to consult the president about the choice of the defence, foreign and interior ministers'*⁹⁰

It seems ironic that while Linz's advocacy of parliamentarism was given a great boost in Poland in 1997, this was done with the support of a strong President who already acted as if under a 'parliamentary' model.

Czech Republic

Vaclav Havel served firstly as the first President of post-communist Czechoslovakia and from 1993 until today as the President of the Czech republic. In a fashion similar to his Hungarian counterpart, he enjoyed rather restricted authority. While articles 62 and 63 that deal with his competencies are lengthy and appear impressive⁹¹, in reality Havel's leeway was severely circumscribed by art.63 par.3 which required the counter-signature of the PM or a minister on most significant issues⁹². However, Havel realised very well that

⁸⁸ See Linz, *op.cit.*, p.9.

⁸⁹ Van der Meer Krok Paszkowska, *op.cit.*, p.186.

⁹⁰ *Ibid.*, p.189.

⁹¹ Council of Europe, *op.cit.*, pp.100-101.

⁹² V.Cepl and M. Gillis, 'Czech Republic,' *East European Constitutional Review*, vol.2 no.4/vol.3 no.1, Fall 1993/Winter1994, p. 65.

he would be a de facto strong President: he was 'one of the post-communist world's most renowned figures whose actual influence exceed[ed] the limited formal powers of his office'⁹³. An active adversary to one of the most authoritarian regimes in the communist bloc, Havel sought to leave his mark on the politics of his country. Quite frequently, this desire clashed with the designated priorities of the government and caused bitter disputes. The Czech 'economic miracle' of the mid-1990s and the establishment of a stable party system point to the Czech Republic's early success on democratic consolidation in the road to EU accession. The degree to which Havel's presidency has contributed to that, however, remains doubtful.

The President disagreed strongly with Vaclav Klaus, ex-PM and leader of the Civic Democratic Party on many occasions. Reinforced by their opposite viewpoints on the correct balance between the market and civil society, President and Prime Minister were soon drawn into a series of contrasting statements that embarrassed the government and revealed a lack of harmonious co-operation between the President and the Prime Minister⁹⁴. One of the most significant quarrels was over the senate. A result of a compromise dating back to the 1992 Czech constitution, the Upper House was strongly supported by the President who saw it as a necessary check over the decisions taken in Parliament. Klaus refused that it had any role to play. The differing views in this subject created intra-party ruptures as well, within both the ruling Civic Democrats and the Social Democrats, the largest opposition party. After approximately 4 years of rivalry, elections were finally held for the senate in autumn 1996; Havel's prodigy, Petr Cuch, became the chairman despite prime ministerial disapproval⁹⁵ (Wolchik, 1997:186).

Slovakia

In Slovakia, the President used to be indirectly elected and perform residual functions. Nevertheless, Kovac's bitter conflict with PM Meciar combined with some extraordinary constitutional provisions led to a zero-sum game relationship that reached its peak in 1997-98 when Meciar succeeded in curbing Kovac's powers and slashing his budget⁹⁶.

The functions and role of the President according to Slovak constitution (art.102-107) was an issue of concern. There was serious confusion as to which

⁹³ S.L.Wolchik, 'The Czech Republic: Havel and the Evolution of the Presidency Since 1989,' *Postcommunist Presidents*, ed., R. Taras, Cambridge, Cambridge University Press, 1997, p.168.

⁹⁴ J.F.Pontuso, 'Transformation Politics: The Debate Between Vaclav Havel and Vaclav Klaus on the Free Market and Civil Society,' *Studies in East European Thought*, vol. 54, no.3, September 2002, pp.155-163; Wolchik, *op.cit.*, p.173; V. Dvorakova and J.Kuno, 'The Czech party system and its dynamics,' *Grappling with Democracy: Deliberations on Post-communist Societies 1990-95*, ed., E. Matynia, Prague, Sociologické Nakladatelství, 1996, p.165.

⁹⁵ Wolchik, *op.cit.*, p.186.

⁹⁶ C.Boulanger, 'Constitutionalism in East Central Europe? The Case of Slovakia Under Meciar,' *East European Quarterly*, vol.33, no.1, Spring 1999, p.30.

powers the President exercised independently of governmental approval. More disturbingly, the head of state could, according to article 106, be removed from office by a vote of 3/5 of all MPs in case he acted against the 'sovereignty and territorial integrity' of Slovakia or aimed at destroying democracy in the country⁹⁷. The vagueness of this article created an apprehensive atmosphere between the President and the majority in Parliament and undermined totally the principle of separating powers⁹⁸.

Meciar's authoritarian style of politics led to clashes with Kovac. The President refused to be demeaned and accused the PM for clientelism, patronage and a willingness to curb democratic freedoms⁹⁹. In 1993 Kovac denied the appointment of Ivan Lexa to the post of Minister for Privatisation. Soon afterwards, Meciar's government fell after a successful no-confidence vote in the assembly that the President supported¹⁰⁰.

However, Meciar soon resumed power after fresh elections were held in September 1994. Citing article 106, the PM and his deputies submitted a motion of no confidence against Kovac that nonetheless failed to reach the 3/5 threshold. Addressing Parliament after the vote, Kovac confirmed that he would not be driven out of office¹⁰¹. In a separate incident in May 1997, a referendum on joining NATO became another showdown between the two. Kovac, in particular, demanded a question on the direct election of the President to be included in the referendum¹⁰². In response, the Prime Minister instructed the public to boycott the referendum altogether and participation reached a mere 10%.

The conflict between the two continued until the end of their term in 1998, with vitriolic exchanges damaging Slovakian democracy¹⁰³. Remarkably and after the hurtful experience of this struggle, Slovakia changed its constitution in January 1999. While scrapping some of its more dubious articles in order to silence EU criticism and facilitate the accession process, it also decided to henceforth hold direct elections to the presidency! In May 1999 of the same year Rudolf Schuster was elected¹⁰⁴. Following the opposite direction to Poland's constitutional amendment of 1997, the Slovak case proves that the 'presidentialism versus parliamentarism' debate in CEE entails too many

⁹⁷ *Ibid.*, p.350.

⁹⁸ S.Zifcak, 'The Battle over Presidential Power in Slovakia,' *East European Constitutional Review*, vol.4, no.3, Summer 1995, p. 61.

⁹⁹ M.F.Goldman, "Slovakia Since Independence: A Struggle For Democracy" London, Praeger, 1999, p.66.

¹⁰⁰ Zifcak, *op.cit.*, p.63.

¹⁰¹ *Ibid.*, p.63.

¹⁰² See <www.infoplease.com/lipa/A0107967.html>, Accessed: 22/10/2004

¹⁰³ Goldman, *op.cit.*, p.108.

¹⁰⁴ R.Kipke and K. Vodicka, *Slovakische Republik: Studien zur politischen Entwicklung*, Münster, LIT Verlag, 2000, p.215.

interlinked variables to be assessed simply on the constitutional, formal powers and the alleged perils that a strong President will introduce in the political system.

CONCLUSION

In this paper, I have applied Juan Linz's thesis on presidentialism in the context of five Central and East European states during the preparatory stages of EU accession. The main findings can be summarised as follows:

- Strong presidential powers in Poland and to a lesser extent in Bulgaria did not *always* have the negative effects expected by Linz. On the contrary, Walesa and Zhelev's popular mandate when combined with their anti-communist credentials strengthened the democratic process in the early transition¹⁰⁵. As Baylis points out, 'Presidents arguably have strengthened democratic legitimacy...'¹⁰⁶.

- The Presidents of Hungary, Czech Republic and Slovakia were nowhere near as powerless as the parliamentary system appears to suggest. By a skilful exploitation of their acquired popular legitimacy (Goncz, Havel), their historical role in organising the opposition to communism (Havel) or simply by pointing to the inadequacies of an authoritarian government (Meciar), they all exercised a highly prominent role. At the same time, this role was often filled with ambiguities and controversy, embarrassing their government and leading to zero-sum games and political polarisation, close to the 'winner-take-all' mentality that Linz reserves for presidentialism. The unifying and conciliatory role ascribed to indirectly elected Presidents often failed to materialise.

This is not to say that the adoption of an institutionally stronger presidency would definitely lead to an improved functioning of the political system and ease the process of accession to the EU. The first reason for that can be traced back to the mediating factor of party system and electoral law structures. As Linz correctly points out, the outcome that a strong President will have on democratic consolidation depends greatly on his relationship with both the PM and the majority in Parliament¹⁰⁷. Secondly, in the period under study, what President Goncz called 'the rules of the democratic game' were still in a state of flux and constitutional ambiguity also hampered a clear separation of powers between the executive and the legislature.

Taking these important caveats into account points to the need for further research on the issue of presidential powers and power distribution among executive offices in the context of a candidate state's preparation for

¹⁰⁵ J.Zielonka, 'New Institutions in the old east bloc,' *Journal of Democracy*, vol.5, no.2, April 1994, p. 98.

¹⁰⁶T.A Baylis, 'Presidents Versus Prime Ministers: Shaping executive authority in Eastern Europe,' *World Politics*, vol.48, no.3, April 1996, p. 321.

¹⁰⁷ Linz, *op.cit.*, p.10.

compliance with the EU political criteria. Variables ranging from the degree of habituation with democratic political structures, the extent of personalised politics and the state of the economy are key indicators as to the usefulness and effectiveness of strong executive types in that process.

APPENDIX

Tables

Table 1.1 Presidencies in Central and Eastern Europe: formal powers and role

Name	Country	Period in office	Mode of election	Powers	Role
Goncz	Hungary	1990-2000	Indirect	<i>Weak/Medium</i>	<i>Arbiter</i>
Havel	Czech Republic	1993-	Indirect	<i>Weak</i>	<i>Arbiter</i>
Kwasniewski	Poland	1995-	Direct	<i>Strong*</i>	<i>Partisan</i>
Meciar	Slovakia	1993-98	Indirect	<i>Weak</i>	<i>Conciliatory</i>
Walesa	Poland	1990-95	Direct	<i>Strong</i>	<i>Partisan</i>
Zhelev	Bulgaria	1992-96	Direct	<i>Medium/Strong</i>	<i>Partisan</i>

*Until 1997 when the constitution was amended and the presidential prerogatives were significantly diminished (see Chapter 4.2.1)

Table 1.2 Presidencies in Central and Eastern Europe: aggregate powers and role

Name	Country	Period in Office	Mode of election	Powers	Role
Goncz	Hungary	1990-2000	Indirect	<i>Medium-Strong</i>	<i>Arbiter/Partisan</i>
Havel	Czech Republic	1993-	Indirect	<i>Strong</i>	<i>Arbiter/Partisan</i>
Kwasniewski	Poland	1995-	Direct	<i>Weak</i>	<i>Conciliatory</i>
Meciar	Slovakia	1993-98	Indirect	<i>Weak-Medium</i>	<i>Unifying/Partisan</i>
Walesa	Poland	1990-95	Direct	<i>Strong</i>	<i>Unifying/Partisan</i>
Zhelev	Bulgaria	1992-96	Direct	<i>Strong</i>	<i>Partisan/Unifying</i>