Three technocratic cabinets in the Czech Republic: a symptom of party failure?[1]

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Abstract: *This article compares three technocratic cabinets that were appointed in the Czech Republic. Its aim is to determine to what extent the cabinets can be understood as a failure of political parties. The article outlines the concept of party failure. It argues that patterns of party failure can be found in all cases. However, in the last case—the technocratic cabinet of Jiří Rusnok—party failure was only partial and indirect; its technocratic cabinet cannot be interpreted as resulting from an inability of the parties to form a partisan cabinet, but rather it resulted from the president's imposition of a technocratic cabinet. This imposition took place against the will of the parliamentary parties that sought to form a cabinet composed of party politicians immediately or following early elections.*

Key words: ***Czech Republic, technocratic cabinet, caretaker cabinet, interim cabinet***

Introduction

Since the establishment of the Czech Republic as an independent country in 1993, 14 executive cabinets have been appointed. Three of these cabinets are so-called technocratic cabinets: Josef Tošovský (1998), Jan Fischer (2009–2010) and Jiří Rusnok (2013–2014).[2] Technocratic cabinets are clearly part of a regular

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2 If we include the era of post-1989 Czechoslovakia, the cabinet led by M. Čalfa between 1990 and 1992 can also be considered technocratic following Čalfa's departure from the Communist Party in January 1990 (cf. Hloušek and Kopeček 2012: 44–51).

pattern in Czech government politics.[3] To be sure, technocratic cabinets are not unique to Czech politics. They have appeared in several other European polities. Most were appointed in post-communist countries, such as Bulgaria, Lithuania, Romania, Russia, Ukraine, Moldova, but other examples of such cabinets can be found in Greece, Finland, Portugal, and Italy (cf. Pastorella 2013, 2014, 2015; McDonnell and Valbruzzi 2014).

Nowadays political parties "are neither liked, nor trusted" (Mair 2008: 230). They face legitimacy problems as well as difficulties in solving major problems of current societies. Faced with complex challenges and problems, partisan cabinets might fail to respond to them (Lawson and Merkl 1988). Hence, technocratic cabinets are often formed precisely because they are expected to outperform partisan cabinets in the quality of their policies and outcomes. Several recent examples of technocratic cabinets in Italy (the Monti cabinet in 2011), Greece (Thanou Christophilou's cabinet in 2015), and Bulgaria (cabinets Raykov 2013, Oresharski 2013–2014 and Bliznashki 2014) were appointed in times of economic crises (cf. Pastorella 2014; Marangoni and Verzichelli 2015; Pastorella 2015). These cabinets largely consisted of economic experts and crisis managers who were supposed to avert imminent economic disasters. Technocratic cabinets are also often appointed following a major crisis caused by a political (e.g. corruption) scandal (cf. McDonnell and Valbruzzi 2014: 666).[4] Parties may also fail either to establish or to keep a partisan cabinet. For example, the Greek technocratic cabinets of Grivas (1989), Zolotas (1989), and Pikrammenos (2012) were appointed once parties failed to form a cabinet following parliamentary elections (Pastorella 2013: 16–19). In Finland several technocratic cabinets were appointed following the break-up of a ruling coalition or a defeat inflicted upon a cabinet by opposition parties (Kuusisto 1958: 343–344; Jussila 1999: 289).

Therefore, technocratic cabinets (composed of non-partisan experts) might be perceived as symptoms of (or different forms of) party failure, and they might present a challenge (as well as an alternative) to partisan cabinets (for discussion see Rose 1969; Laver and Shepsle 1994: 5–8, Bermeo 2003; Mair 2008; Bäck et al. 2009; Schleiter 2013: 38; Van Biezen 2014; McDonnell and Valbruzzi 2014; Pastorella 2015; Brunclík 2015a).

Hence, we hypothesize that the three technocratic cabinets in the Czech Republic were the results of party failure (cf. Hloušek and Kopeček 2012:

3 These cabinets have an archetype in the period of pre-war Czechoslovakia between 1918 and 1938, when technocratic governments were occasionally appointed to bridge a period of cabinet and party crises. However, these cabinets were established in a different political and constitutional setting. The roots of the tradition of technocratic cabinets can be found in the Austro-Hungarian era (Hloušek and Kopeček 2012: 35–43).

4 E.g. the Ciampi cabinet in Italy (cf. Pederzoli and Guarnieri 1997) and the Berov cabinet in Bulgaria (Pastorella 2013: 14).

88–89). The article begins by defining what a technocratic cabinet is as well as conceptualizing party failure. The crux of the article is an analysis of the three technocratic cabinets through the concept of party failure. We argue that in the first two cases (1998 and 2009) one can observe a double party failure: the parties caused the fall of a previous partisan cabinet and subsequently they were unable to produce a new partisan cabinet. Thus the 1998 and 2009 cabinets were direct products of party failure. In 2013, the parties also caused the resignation of the partisan cabinet, but unlike in previous cases, they were not directly responsible for a new technocratic cabinet, which can be best understood as a cabinet imposed by the president contrary to the will of the political parties.

Technocratic cabinet: definition and types

Technocratic cabinets are mostly described in terms of three key variables: non-partisan composition, limited remit and limited term of office (cf. Herman and Pope 1973; Diermeier and Roozendaal 1998; Pastorella 2013, 2014; Hloušek and Kopeček 2014; McDonnell and Valbruzzi 2014; Brunclík 2015a). However, the only true defining feature is the composition. This means that technocratic cabinets are defined by their non-partisan nature. How about cabinets composed of both partisans and non-partisans? We follow McDonnell and Valbruzzi who still classify cabinets in which political representatives outnumber technocrats as technocratic ones, on the condition that they are led by a technocrat. They call these cabinets "technocrat-led governments" (McDonnell and Valbruzzi 2014). The role of the prime minister is key to understanding the technocratic cabinet. In short: for a government to be classified as technocratic, its prime minister must be a technocrat (i.e. a non-partisan figure).[5]

However, one could object that a prime minister may be a technocrat, because of *current* non-membership in any political party, but that same person *had been* a political party member, who might still have informal ties to the party of former membership. This pattern has frequently appeared in post-communist countries, including the Czech Republic. Indeed, all Czech technocratic prime ministers had been Communist Party (KSČ) members. In addition, Jiří Rusnok was also a member of the Czech Social Democratic Party (ČSSD) between 1998 and 2010. However, the key to our classification of technocratic cabinets is whether (or not) a person was a party member at the moment of becoming prime minister.

Our operational definition of technocratic cabinets is formal (based on a non-partisan prime minister) and does not take account the nature of the

5 To be clear, significant differences (in terms of the share of non-partisans) among various technocratic cabinets in terms of "partisanship" can be found among various technocratic cabinets (McDonnell and Valbruzzi 2014: 657).

relationship of prime ministers to political parties. To be sure, technocratic cabinets are not necessarily "neutral," but often have close ties to political parties. Indeed, even technocratic ministers, notably prime ministers, need to have good relationships with the political parties that occupy the most seats in national parliaments, which have the power to grant confidence to cabinets (as well as withdraw it from them). Conversely, some politicians operate almost like politically neutral technocrats (see Meynaud 1968: 21–70; cf. Hloušek and Kopeček 2012: 15–16).

The two remaining variables-limited remit and limited term of office—are not defining features of technocratic cabinets but can serve as important variables to show variation among technocratic cabinets and to create typologies of technocratic cabinets. As far as limited remit is concerned, Alan Kuusisto as well as McDonnell and Valbruzzi pointed out that technocratic cabinets should not be confused with caretaker cabinets, because the meaning of the latter is different in principle (Kuusisto 1958: 342; McDonnell and Valbruzzi 2014: 661–662). Whereas technocratic cabinets are defined by non-partisan composition, caretaker cabinets are defined by limited remit, i.e. the limited scope of activities the cabinets are permitted to do. It is expected that the caretaker cabinets "should simply maintain the status quo" (McDonnell and Valbruzzi 2014: 664; Golder 2010: 4).[6] However, it remains unclear where the dividing line between maintaining and changing the status quo should be drawn. In political practice there are two ways to constrain the remit. The first type is derived from formal constitutional provisions. For example, according to the Portuguese constitution, "after its dismissal, the Government has to limit itself to those acts which are strictly necessary to ensure the management of public business" (art. 189/5). Similar provisions can be found in the Danish (art. 15) or Slovak (art. 115 and art. 119) constitutions. Interestingly enough, the Greek Constitution explicitly supposes appointment of a technocratic (and at the same time interim) cabinet, if political parties fail to form a standard partisan cabinet. In this case, the president "shall entrust the President of the Supreme Administrative Court or of the Supreme Civil and Criminal Court or of the Court of Auditors to form a Cabinet as widely accepted as possible to carry out elections and dissolve Parliament" (art. 37).[7]

The second type of constraint results from a deal made by political parties which agree that the technocratic cabinet they shape will not make changes to the status quo. Although the technocratic cabinets are usually constrained in terms of the policies they are allowed to carry out, there are also technocratic cabinets whose remit is not limited (cf. Brunclík 2015a).

6 Some authors even assume that caretaker cabinets are partisan cabinets (Laver and Budge 2002: 12; Laver – Shepsle 1994: 291–292; cf. Davis et al. 2001).

7 The Croatian constitution has a similar provision (art. 112).

Similarly, although it is often assumed that technocratic cabinets are constrained in terms of the amount of time they may remain in office (Herman and Pope 1973: 205; Schleiter and Morgan-Jones 2009: 672), in principle there are no automatic reasons to assume that the term of office of a technocratic cabinet is always limited. Cabinets with limited term of office can be labeled "interim cabinets". Again, the interim cabinets can be led by a non-partisan prime minister and can be composed of non-partisans. On the other hand, the interim cabinets can be purely partisan ones too. Furthermore, a limited term of office may not automatically translate into limited remit. Some interim technocratic cabinets are established as "crisis-liquidation cabinets" whose task is not to "mind the store," but instead to take drastic measures and push through important reforms. The Monti cabinet in Italy is a case in point (Pasquino and Valbruzzi 2012; Tebaldi 2014).

How should the interim cabinets be defined? The auxiliary criterion is the half term: a cabinet is considered interim when it assumes office with the knowledge that its term of office will be less than half of the constitutional authority's term.[8] On the other hand, a cabinet that has been in power less than half the term, because it was forced to resign earlier than scheduled elections, cannot be labeled as interim if it was originally expected that its mandate would be longer than half of its constitutional term.

As this chapter has showed several different term lengths are often associated with technocratic cabinets. Besides "caretaker" or "interim" cabinets, technocratic cabinets are often labeled as "apolitical" or "non-political". However, these labels are imprecise, if not misleading. As Jean Meynaud explained: "when he becomes a technocrat, the expert becomes political" (Meynaud 1964: 262), which means that although the technocrat is an expert a given area, that technocrat "does politics" upon entering a leading executive position (cf. Meynaud 1964: 259; McDonnel and Valbruzzi 2014: 657). Technocratic prime ministers and ministers occupy top executive positions (which are by definition political); they bear political responsibility towards parliaments and, in a number of areas, it is almost impossible not to make political decisions. Even in cases of tasks of a seemingly administrative nature, cabinets often need to choose one of many potential solutions (and justify it vis-á-vis general public). Also, technocratic cabinets may justify their decision by "expert-based" arguments, but such a decision could conceal political and ideological motives or instructions given by political parties, which hold the fate of the technocratic cabinet in their hands. On the other hand, it is impossible to deny that some cabinets tend to behave rather like administrators (keep running administrative tasks

8 This institution is usually a parliament, but in some cases it can be also a president. For example, prime ministers in Ukraine (art. 115) and in Russia (art. 116) submit their resignation in a direct relation to a presidential election. A similar provision (in the form of a constitutional convention) is also applied in France.

of the executive) and not as politicians (changing the status quo and making important decisions that affect their polity). Hence, we believe that all the cabinets are political irrespective of their (partisan vs. non-partisan) composition.

Defining party failure

In general, all cabinets are formed following either parliamentary elections or the resignation of a previous cabinet. Analyses of the reasons behind cabinet termination have outlined a number of factors that lead to government resignation (e.g. Von Beyme 1985; Budge and Keman 1990; Woldendorp, Keman and Budge 2000; Strøm et al. 2003; McDonnell and Valbruzzi 2014: 666). In European countries, cabinet resignation is caused by three general events: 1) scheduled elections, 2) presidential decision to dismiss the cabinet[9] or 3) partisan reasons. As for the last category, there are three types of such reasons. First, a cabinet resigns because of disagreements within the ruling coalition, which eventually dissolves. Second, a cabinet is defeated by parliamentary opposition by losing a) a vote of confidence, b) a vote of no-confidence, or c) an important vote on a bill that has been vital for the cabinet (cf. Strøm et al. 2003: 152). Third, a cabinet resigns because coalition parties or their leading figures face a serious legitimacy crisis, e.g. following a scandal (cf. Pederzoli and Guarnieri 1997; Hloušek and Kopeček, 2014; McDonnell and Valbruzzi 2014: 666).

Although many party cabinets' breakdowns are caused by party failure, the concept of party failure is not another term for breakdown of a party cabinet, since cabinets also terminate in line with the parliamentary term of office, and in some countries they might be recalled by the president. Furthermore, besides elections and changes of coalition parties, a change in prime minister is also generally regarded as a reason for the rise of a new cabinet (for a discussion on cabinet change and durability see Lijphart 1984; Strøm 1984: 201; Strøm 1990: 57). However, it would be erroneous to label the resignation of a prime minister because of health reasons (or the death of the prime minister) as party failure.

To be clear, the resignation of a partisan cabinet does not necessarily imply the formation of a technocratic cabinet. Indeed, in most cases a partisan cabinet is succeeded by another partisan cabinet. Therefore, the fall of a partisan cabinet is only the first step towards the potential formation of a technocratic cabinet. Thus, we shall focus on situations in which no partisan cabinet is appointed following the resignation of a previous partisan cabinet. Two general reasons can be distinguished as to why a new partisan cabinet is not appointed. First, political parties may be unable to form a partisan cabinet. This means that parties have a real chance to produce a partisan cabinet, but they fail to do so

9 Here we consider only those cases in which the independent prerogative of the president can dismiss the cabinet.

(e.g. because of a substantial fragmentation of the parliamentary party system, hostile relations among them or among party leaders, lack of a suitably qualified personnel or so). Second, parties may not be allowed to form a partisan cabinet. It is necessary to emphasize that the government formation process in most European countries is not solely in the hands of parliament (or parliamentary parties); instead, the process should be understood as bargaining between a parliament and a head of state. The role of the head of state in the government formation process is often neglected since it is implicitly assumed that the procedure is entirely in the hands of the parliamentary parties. Indeed, as P. Schleiter puts it, "the study of cabinet formation, in particular in parliamentary democracies, but to a significant extent also in presidential democracies, has become virtually synonymous with coalition studies" (Schleiter 2010; see also Schleiter and Morgan-Jones 2009).[10] However, in a number of countries presidents are involved in the government formation process and may prevent parties from forming a partisan cabinet (Brunclík 2015b).

A simple typology of cabinet turnover as well as party failure can be drawn from the discussion above (see Table 1 below).

Table 1: Patterns of cabinet turnover and party failure in relation to the rise of technocratic cabinets[11]

		1st step: resignation of previous cabinet due to:		
		partisan reasons	presidential dismissal	scheduled elections
2nd step: parties are to form a partisan cabinet	not able	(1) double	(2) single direct	(3) single direct
	not allowed	(4) single indirect	(5) none	(6) none

Source: Author

First, there is a double party failure (cell 1). It means that the parties were directly responsible for the fall of the previous cabinet, and they subsequently failed to produce a new partisan cabinet. Second, there is a single direct failure (cells 2 and 3). Although, the parties did not cause the resignation of a previ-

10 In exceptional cases, parties are unwilling to form a partisan cabinet. This situation might appear unlikely and illogical. However, in some situations parties do have reasons to give up forming a partisan cabinet. An almost textbook case of this situation occurred in Italy in 2011, when the Monti technocratic cabinet was established. At that time Italy was plagued by a deep financial crisis. Simultaneously, parliamentary political parties were refusing to accept government responsibility because it was clear that the administration would have to push through very unpopular and painful measures to stabilize the Italian economy and public budgets. Thus, the parties conceded the reins of government to Monti's technocratic government, formed mainly by the president (Zulianello 2013).

11 The table does not cover special situations (e.g. death of the prime minister, cabinet resignation due to mass demonstrations, and strikes, etc.).

ous cabinet (i.e. it resigned either because of scheduled elections or because of a president who has enough power to dismiss the cabinet), they were unable to form a new partisan cabinet, even though they had an opportunity to do so. Third, there is a single indirect failure (cell 4). It means that the parties were directly responsible for the fall of the previous partisan cabinet, but they were subsequently (during the government formation process) prevented from making a new partisan cabinet, because a (presidential) technocratic cabinet of the president's own making was imposed. Finally, the remaining cells (5 and 6) show situations in which parties do not fail and cannot be blamed for the rise of a technocratic cabinet. Neither were the parties directly responsible for the fall of the previous partisan cabinet, nor were they allowed to form a new partisan cabinet.

As shown above, the fact that a technocratic cabinet is formed does not necessarily mean that the parties failed. Moreover, the existence of a technocratic cabinet does not necessarily mean that parties have no influence upon the technocratic cabinet and its composition and policies. First, the cabinet remains accountable to the parliament in which political parties still dominate. The cabinet is highly constrained if it fails to find parliamentary support to get its legislative proposals passed. In addition, it can be forced to step down once it has been defeated by the parliamentary parties.[12] Second, and more importantly, even if the parties failed to produce a partisan cabinet, they might exert a significant degree of control over the technocratic cabinet in the government formation process[13] as well as in formulating policies and priorities of the cabinet. In sum, the government formation process might be a good opportunity for the parties to control a technocratic cabinet's composition and priorities. The parties can also control its policies, since the cabinet is constantly dependent on parliamentary parties as far as its legislative proposals are concerned.

The concept of "party failure" (defined in terms of a) partisan reasons for the cabinet resignation, b) party inability to form a new partisan cabinet, and c) a combination of the two previous possibilities) is clearly different from an earlier meaning of this term. In their now classic work Lawson and Merkl (1988) analyze the phenomenon of major decline of traditional parties, rise of minor parties as well as single-issue movements that challenge key political parties. However, our concept does not necessarily refer to the collapse of parties or party systems. For example, a vote of confidence may have nothing to

12 For example, the Portuguese technocratic cabinet led by Carlos Mota Pinto was forced to resign when it was unable to find parliamentary support for its proposals (Magone 2003: 552–553; Costa Pinto and De Almeida 2008: 154).

13 In a number of countries with positive investiture rules all the cabinets are obliged to win support of the parliamentary majority (including in the Czech Republic). Thus parties can have at least some leverage in the government formation process. On the other hand, some other countries apply negative formation rules in which constitutions do not require that a new cabinet must demonstrate that it is supported (or at least tolerated) by a parliamentary majority (see Bergman 1993).

do with a party collapse or crisis. On the other hand, a legitimacy crisis is one partisan reason that may indicate a serious party crisis, or even a crisis in the party system as a whole. For example, it is not by chance that the technocratic cabinet of Carlo Ciampi—who became the first technocratic prime minister in over a century—was appointed following a gigantic corruption scandal that hit the Italian party system hard (Pederzoli and Guarnieri 1997). In this perspective it is interesting to note that all Czech technocratic cabinets were appointed following the fall of a cabinet led by the Civic Democratic Party (ODS), which was plagued by various kinds of internal problems. In at least two cases the fall of the cabinet was caused by serious scandals and a legitimacy crisis of the party (cf. Hloušek and Kopeček 2012: 88–91).

Institutional setting of the Czech Republic and the three technocratic cabinets

Before we start analyzing the three technocratic cabinets, it is necessary to introduce the Czech institutional setting—notably the rules regulating the government formation process and the position of the president within the Czech constitutional system.

The 1993 Constitution of the Czech Republic provides for a parliamentary regime with a two-chamber parliament and a two-part executive. The lower parliamentary house (the Chamber of Deputies) is the dominant legislative institution. It has the power to override a veto by the upper chamber (the Senate) in common legislation, whereas constitutional amendments must be approved by both parliamentary chambers. In addition, it has control powers over the cabinet, the dominant part of the executive. The executive has two parts: the president and the government. In general, the latter bears responsibility for most steps taken by the former. The government is responsible for daily politics and state administration. The government is exclusively accountable to the lower chamber. In contrast, the president carries out mostly ceremonial and notary functions of a head of state. Still, the president has some important powers (cf. Kopeček and Mlejnek 2013). Furthermore, the president's position within the constitutional framework was strengthened by a 2012 constitutional amendment stipulating election of the president by direct popular vote.

The president's position in the government formation process is one of the key roles of the post. The government and its composition depend on the results of the elections to the Chamber of Deputies, which passes motion of confidence in the government. It can also force the government to resign through a vote of no-confidence. Thus, the parties that command the majority of the seats in the Chamber of Deputies are most likely the winners of the government formation process. The Czech government formation process has some peculiar features that give the president more leverage than presidents in many other European

countries. The constitution provides the president with relatively wide discretion in the government formation process. It allows the president to appoint the prime minister and—upon the latter's proposal—other ministers. In formal terms, the president may appoint the prime minister at will because the Constitution does not stipulate any further conditions. All in all, the president is not constitutionally constrained when appointing the prime minister, except for the fact that the new cabinet must ask the Chamber of Deputies for confidence and a purely presidential cabinet (whose composition and policies were determined only by the president) may be defeated in the vote. However, the Czech constitutional investiture procedure is characterized by "weak positive rules" (cf. Brunclík 2015b): every government that has been formed is subject to a vote of confidence, but unlike investiture rules in many other countries, the government may assume its functions immediately after the appointment. A parliamentary vote of confidence follows no later than 30 days. Even if the cabinet fails to win the vote of confidence, it may remain in office until a new cabinet is appointed. But a new cabinet has to be appointed again by the president, who in practice may keep the defeated cabinet in power for a long time since the Constitution does not stipulate any exact deadlines for appointing a new cabinet. As it will be shown below, this wide discretion, which gives the president significant power in the government formation process, was fully used when the Rusnok cabinet was appointed. The constitution stipulates that the president "appoints and recalls the Prime Minister and other members of the government and accepts their resignations, recalls the government and accepts its resignation" (art. 62). However, most constitutional experts argue that the president alone is not allowed to recall the cabinet. The Constitution is mostly interpreted as a system where the survival of the cabinet rests in the hands of the Chamber of Deputies, and the president only formally confirms cabinet resignations (enforced, for example, by a vote of no-confidence). In addition, in constitutional practice up to now, the president has never attempted to unilaterally recall a cabinet. On the other hand, one minority expert opinion argues that art. 62 should be interpreted literally: the president is entitled to recall the prime minister and the cabinet. And the president can do so at any time (Kudrna 2013).

Josef Tošovský

Josef Tošovský's technocratic cabinet was appointed following the resignation of the right-wing, three-party minority coalition led by Václav Klaus. The minority coalition was composed of Klaus's Civic Democratic Party (ODS) and two junior parties: the Civic Democratic Alliance (ODA) and the Christian Democrats (KDU-ČSL). As early as 1996 and especially in 1997 the ODS faced accusations of unclear party financing. The party failed to explain the origins of several

significant financial contributions. Speculations also appeared around Klaus himself. Media speculated about his alleged Swiss bank account that was used for illegal funding of the ODS (Kmenta 2000). The ODS's as well as Klaus's reputation suffered significantly. As soon as the ministers of the KDU-ČSL and the ODA left the cabinet in a protest against the ODS scandals, Klaus decided to resign on 30 November 1997 (cf. Brunclík 2008: 289; Kopeček 2015: 28–30).

The resignation of the Klaus cabinet, the legitimacy crisis of the ODS, its split[14] as well as weakness of the left-wing opposition prevented parliamentary parties from forming a viable majority partisan cabinet. Hence, the political crisis cleared the way for an initiative by President Václav Havel who entrusted the KDU-ČSL's chairman Josef Lux to explore various scenarios of future cabinets. Lux's mission was accomplished on 17 December 1997 when the president, who was highly critical of Klaus and supportive of a non-partisan solution to the crisis, appointed Josef Tošovský, the Governor of the Czech National Bank, to establish a technocratic cabinet. The Tošovský cabinet was supported mainly by the Freedom Union (a splinter from the ODS), the ODA and the KDU-ČSL. On the other hand, the ODS as well as some ČSSD MPs were prepared to vote against the cabinet in the upcoming motion of confidence. Havel dismissed their criticism and stood firmly behind the new cabinet and indicated that if Tošovský's cabinet failed to receive a vote of confidence in the Chamber of Deputies, the formation of a new government might last weeks or months. The potential power vacuum and long cabinet crisis was completely unacceptable for most of the parties, which preferred early elections that were made possible by a special constitutional act on shortening the Chamber of Deputies' electoral period. On 27 January 1998 the president appeared in the Chamber of Deputies to support the Tošovský cabinet, which won the vote of confidence with 123 votes in the 200-member Chamber of Deputies (Brunclík 2008: 291; Hloušek and Kopeček 2014: 64; Kopeček 2015: 34–35).

Jan Fischer

The rise of Jan Fischer's technocratic cabinet was precipitated by the resignation of Mirek Topolánek's cabinet. Topolánek's ODS won the 2006 elections with an unprecedented 35 percent of votes. However, the ODS had to deal with the problem of putting together a viable coalition. Since a cross-block majority coalition (either with the ČSSD or the Communist Party) was unthinkable, the only alternative was a one-party (ODS) minority cabinet, or a three-party minority cabinet (the ODS, the KDU-ČSL and the Green Party (SZ) which, however, commanded only 100 of the 200 parliamentary seats. When the first alternative

14 ODS members who called on Klaus to resign as party chairman were eventually defeated in the party and founded a new party the "Freedom Union" (US).

failed in fall 2006, Topolánek tried out the second one and put together the three-party cabinet, which eventually won the vote of confidence on 19 January 2007. However, from the very beginning the Topolánek minority cabinet was plagued by a lack of stable parliamentary support as several defections from government parties occurred. On the other hand, the cabinet was occasionally supported by a few defectors from the opposition camp. It was a fragile coalition, and its clearly hostile relationship with the ČSSD-led opposition encouraged the latter to repeatedly propose votes of no-confidence in the Topolánek cabinet, which faced four such initiatives. However, on 24 March 2009, right in the middle of Czech Presidency of the European Union, the opposition proposed yet another motion of no-confidence against the cabinet. The motion was—somewhat surprisingly—eventually passed with 101 votes. The parliamentary majority, which forced Topolánek out of office, was united only in its hostility towards the cabinet, but it was actually too heterogeneous to establish an alternative partisan cabinet. Thus, the ČSSD was severely criticized for failing to put forward an alternative solution to the crisis.

Unlike in 1997–1998, when the major parties were rather passive in the government formation process and let the president form Tošovský's cabinet, this time the two largest parties (the ODS and the ČSSD) remained active and left the president with very little room to maneuver during negations over the new cabinet. When president Klaus rejected the ČSSD's plan to allow the Topolánek cabinet to rule until the end of the Czech EU presidency, and then to form an interim caretaker technocratic government that would rule the country until early parliamentary elections, ČSSD leader Jiří Paroubek brought up the idea of a technocratic cabinet as a solution to the crisis (Hloušek and Kopeček 2012: 72; Hloušek and Kopeček 2014: 1341).[15] In April 2009 Jan Fischer, president of the Czech Statistical Office, was proposed as prime minister of a technocratic interim cabinet. The cabinet members were nominated by the ODS, the ČSSD and the SZ. Fischer's cabinet was inaugurated on 8 May 2009. The parties also agreed that early elections would be held in October 2009 on the basis of a one-off constitutional act that shortened the term of the Chamber of Deputies. However, owing to a complaint filed by an independent ex-ČSSD MP, Miloš Melčák, who claimed he had the right to sit in parliament for a full term, the Constitutional Court abolished the act, and elections to the Chamber of Deputies eventually took place in May 2010 as originally scheduled, and Fischer's cabinet ruled the country much longer than expected (for details see Hloušek and Kopeček 2012: 80–86).

15 A technocratic cabinet as a solution to a political crisis was also considered when the ČSSD-led cabinet headed by Stanislav Gross resigned (Havlík 2011: 65).

Jiří Rusnok

The rise of the third technocratic cabinet led by Jiří Rusnok was triggered by the resignation of another ODS cabinet in June 2013. The ODS cabinet led by Petr Nečas was formed following the 2010 parliamentary elections and included TOP 09[16] and the Public Affairs party (VV). The latter party was replaced in the cabinet with a splinter from the VV– LIDEM[17] in 2012. Nečas resigned after his chief of staff, Jana Nagyová, was charged with bribery and abuse of power. Nagyová was suspected of bribing the former ODS MPs, who were opposing Nečas's government policies, by offering key posts in state-owned companies. She was also suspected of illegally ordering military intelligence to spy on three people (BBC 2013a).

Miloš Zeman, who became the first popularly elected president in the Czech Republic and who strongly criticized the ODS cabinet from the very beginning of his term (Nova 2013), took advantage of this cabinet crisis. Like his predecessors, Zeman invited representatives of parliamentary parties to discuss alternative solutions to the government's crisis. However, he broke with the conventions and, despite having been informed by the parliamentary parties that a technocratic cabinet was unacceptable for them, he appointed his close friend and also former minister of his cabinet (1998–2002), Jiří Rusnok, as prime minister on 25 June 2013 with the intention of forming a technocratic cabinet of experts. The former coalition government parties opposed this move (Česká televize 2013). They argued that they had the right to form a new cabinet, because they held a 101-seat majority in the Chamber of Deputies. They proposed the chamber's speaker, Miroslava Němcová, to be the new prime minister. Nor were the opposition parties positively inclined towards the technocratic cabinet. They called for early elections since they were not strong enough to form their own cabinet (Reuters 2013). However, Zeman kept supporting his original idea and appointed the Rusnok cabinet in July 2013. It is important to note that several ministers of Rusnok's cabinet ran on the ticket of the presidential party: "Party of Citizens' Right—Zeman's followers" (SPOZ). This could be interpreted as Zeman's attempt to promote a pro-presidential party and gain a reliable and loyal party in the Chamber of Deputies. However, the SPOZ failed to get any seats in the 2013 elections to the Chamber of Deputies. Ahead of the vote of confidence prescribed by the Constitution, Zeman said he would keep the Rusnok cabinet in place for several weeks, even if he lost. He reasoned this intention by referencing the ongoing investigation into the aforementioned scandals. Despite the fact that in the crucial vote of confidence in August 2013 Rusnok lost the vote by 93 to 100 (Idnes 2013a; BBC 2013b), the president authorized it

16 Acronym: tradition, responsibility, prosperity.

17 The label means "Liberal democrats" and also "for people".

to continue until a new cabinet was appointed in line with the Constitution. It wasn't until January 2014 until a new cabinet was not formed. Meanwhile, the Rusnok cabinet made a number of decisions, whereas the parliament could do little to exert a greater control over it (Týden 2013; Ihned 2013).

Three technocratic cabinets in a comparative perspective

This chapter provides an analysis of the three technocratic cabinets in terms of the concept of party failure, which is completed with several other variables that were introduced above. The results of the analysis are provided below in table 2.

Table 2: Technocratic cabinets in the Czech Republic

	Tošovský	Fischer	Rusnok
Period	1 January 1998–22 July 1998	8 May 2009–13 Jul. 2010	10 July 2013–9 January 2014
Duration (days)	201	426	200
Share of non-partisans (%)	38	100	93
Cause of cabinet crisis	legitimacy crisis and coalition break-up	coalition defeated in vote of no-confidence	legitimacy crisis
Constraint	parties unable	parties unable	parties not allowed
Type of party failure	double	double	single indirect
Limited remit	yes (caretaker)	yes (caretaker)	no
Time of office	yes (interim)	yes (interim)	yes (interim)
Parliamentary confidence	yes	Yes	no

Source: Author

All of the technocratic cabinets were preceded by a party failure since the previous ODS-led cabinets resigned because of partisan reasons. Tošovský's and Rusnok's cabinets indirectly resulted from a crisis in party (the ODS) legitimacy, which forced the ODS cabinets (Klaus[18] and Nečas) to resign, whereas

18 The ODS financial scandals were the original causes for the end of the coalition. However, Klaus's cabinet resigned only when the ministers from the junior parties left the coalition.

the Fischer cabinet resulted from a parliamentary defeat inflicted upon the Topolánek cabinet.

As far as the second step—the new cabinet formation process—is concerned, there are clear differences. In 1997–1998 and 2009 the parties proved unable to form a partisan cabinet. Hence, the Tošovský and Fischer cabinets are products of a double party failure. In contrast, in 2013 the parties of the previous coalition cabinet were determined and also capable of forming a new ODS-led cabinet,[19] but the president rejected this claim and did not give them a chance to form such a cabinet and instead appointed the Rusnok technocratic (and at the same time presidential) cabinet. Therefore, this technocratic cabinet was precipitated by a single indirect party failure. This unusual development cannot be understood without reference to the fact that Zeman became the first directly elected president. During the 2013 cabinet crisis Zeman used his legitimacy advantage[20] over the parties represented in the Chamber of Deputies, which was elected in 2010. The cabinet's existence was also facilitated by weak positive formation rules. President Zeman was the first president to fully take advantage of the potential of these rules, although in 1998 president Havel indicated his intention to do the same—to appoint a technocratic cabinet and, in the case of a failure of the Tošovský cabinet, to win the vote of confidence to postpone the appointment of a new cabinet. But unlike Zeman, Havel formed the cabinet with respect to parliamentary parties. Also, his role in the government formation process was—partly due to his illness (Hloušek and Kopeček 2012: 62)—less significant in comparison with Zeman's in 2013.

As for the share of non-partisans in the cabinet, there are clear differences. Whereas in the Tošovský cabinet non-partisans were outnumbered by partisans (62 percent partisan),[21] the other two cabinets were fully or almost fully composed of non-partisans.[22] It seems interesting to note that P. Schleiter and E. Morgan-Jones have found a strong correlation between presidential cabinets and a high share of non-partisan cabinet ministers (Schleiter and Morgan-Jones 2010: 1424–1427). Similarly, Amorim Neto and Strøm (2006) argue that presidential influence over the cabinet formation process can be measured through the share of non-partisan ministers in cabinets: the greater the role of the presi-

19 Later, the solidity of the coalition was seriously undermined during the vote of confidence in the Rusnok cabinet, as two ODS MPs and Karolína Peake (LIDEM) did not vote against the cabinet. The crumbling coalition thus induced TOP 09 to call for the early elections (Rozhlas 2013).

20 The legitimacy advantage is an effect of non-concurrent electoral cycles of the president and the parliament, which provides an advantage to the most recently elected institution (Protsyk 2005: 722).

21 Hloušek and Kopeček call this cabinet "semi-political" (Hloušek and Kopeček 2012: 8; Hloušek and Kopeček 2014: 1337).

22 It should be noted however, that the non-partisans in the Fischer cabinet had very close ties to the political parties which nominated them. The Rusnok cabinet was also almost exclusively composed of non-partisans, but in several cases, technocratic ministers were closely linked to the president's party—SPOZ.

dent in the government formation process, the higher the share of non-partisan ministers in the cabinet: "Since popularly elected presidents… often need or want to extend their appeal beyond their respective political parties, they may well be inclined to promote politicians independent of, and untainted by party politics" (Amorim Neto and Strøm 2006: 624). Non-partisan ministers tend to be more loyal to the president, since they are not accountable to political parties, and their political career is largely dependent on the president (cf. Strøm 2003; Schleiter and Morgan-Jones 2005: 6). However, this argument cannot be applied to Fischer's technocratic cabinet. It was composed exclusively of non-partisans, but the ministers were nominated by the two parties (ODS and ČSSD) that stood behind the cabinet and exerted full control over its rise and, to a large extent, over its policies too, whereas the president was clearly sidelined during the cabinet-making process.

Clear differences among the technocratic cabinets can also be found in the degree of limitation of their remit. Tošovský's[23] and Fischer's cabinets were clearly limited in this regard. In particular, Fischer was constrained in formulating the declaration of his cabinet program.[24] The limited remit even became an important argument to persuade most MPs to support the Tošovský and Fischer cabinets (cf. Hloušek and Kopeček 2012: 65–66 and 79; Hloušek and Kopeček 2014: 1338–1339). In contrast, Rusnok's cabinet was not constrained by a political agreement that would curtail the cabinet's planned policies. Rusnok explicitly rejected a caretaker role for his cabinet in his cabinet's statement of its program.[25]

23 Tošovský declared in his speech for the Chamber of Deputies that "Unlike previous governments this cabinet is not formed exclusively by a coalition of several political parties. The cabinet members are aware of this as well as of the fact that the mandate of this government is limited by the will of the majority parliamentary parties to reach early elections in June this year… The government is committed—and this policy statement is proof of that—to continue to manage individual ministries responsibly and to carry out desirable social and economic changes. The cabinet understands that it will not accomplish a number of tasks that need to be addressed; it nevertheless deems as necessary not to delay their solution and to start the work that future cabinets can carry on" (Tošovský 1998).

24 Fischer declared in his speech for the Chamber of Deputies that "The Czech government appointed by the President on 8 May 2009 was formed on the basis of an agreement of three political parties: the ODS, CSSD and the Greens. Unlike standard political governments it is not formed by a coalition of political parties, but it is composed of non-partisan experts, and does not depend on a political clearly defined coalition majority in the parliament. Its task is therefore not to implement a political program, but to carry out a good quality, impartial and politically neutral administration of the country up to early elections. Members of the government are aware of this fact and respect that the government's mandate is limited by the majority will of the Chamber of Deputies to arrive at parliamentary elections in October 2009, and that in the remaining time they will not take any fundamental political decisions. Therefore, the government openly declares that it will not open politically contentious and distinctive topics, and that during its tenure it will not submit politically and ideologically distinctive legislative proposals to the Chamber of Deputies. The government is in a good sense committed to the idea of a technocratic government, whose task is to bridge the period until a political fully-fledged government is appointed" (Fischer 2009).

25 "Less than 10 months remain to the end of the regular term of office of the Chamber of Deputies. That is why our government will focus its attention only on the current, sometimes urgent, decisions to be

As far as the party influence upon the technocratic cabinets is concerned, the resulting picture is paradoxical. Although the Tošovský cabinet was in form the least "technocratic" in terms of its composition, as most ministers were partisans, his cabinet was perhaps least influenced by parliamentary parties, because he was quite independent in selecting the ministers to his cabinet. In contrast, the fully non-partisan cabinet led by Jan Fischer was under the strong influence of ČSSD and ODS, which nominated most of the cabinet members and kept control over cabinet policies. Neither the composition, nor policies of the Rusnok cabinet were influenced by parliamentary parties, since the president was the only person to shape the new cabinet. Rusnok had very close, friendly ties to President Zeman, since Rusnok had been a member of Zeman's cabinet (1998–2002) and he also used to be a ČSSD party member (1998–2010). In addition, Rusnok's cabinet had direct links to the SPOZ, which, however, lacked parliamentary representation. Hence, as prime minister Rusnok was frequently accused of following policy instructions from President Zeman and the SPOZ (e.g. Idnes 2013b; Bureš 2014).

All of the technocratic cabinets were limited in terms of the time they remained in office. All of them were appointed as interim cabinets, which were supposed to administrate the executive until early or regular elections were held. This fact was clearly stated in all the technocratic cabinets' program declarations, which also emphasized their non-partisan and technocratic nature (Tošovský 1998; Fischer 2009; Rusnok 2010).

Conclusion

The article has hypothesized that technocratic cabinets are the products of party failure. It has outlined the concept of party failure as well as several patterns of this phenomenon, depending on the causes that led the previous cabinets to resign and the reasons why political parties do not subsequently form a partisan cabinet. In all these cases, the cabinet crisis, which precipitated the appointment of a technocratic cabinet, was caused by partisan reasons: The Tošovský cabinet was appointed after the previous cabinet collapsed following the ODS legitimacy crisis and the break-up of Klaus's cabinet; the Fischer cabinet was formed after the Topolánek cabinet was defeated in the vote of no-confidence; and the Rusnok cabinet took power when the previous cabinet led by Nečas resigned due to the ODS scandals. In the Tošovský and Fischer cases we have seen a double party failure: political parties can be blamed for the resignation of a cabinet that precipitated the rise of a technocratic cabinet. In addition,

taken in the short term... Many of these decisions will affect development in our country even in the long run and therefore we need to prepare them carefully and conscientiously consider their implications both for citizens and for the national economy. In this sense, we cannot be just a caretaker government, but we are a fully fledged cabinet with all executive powers and, of course, responsibility" (Rusnok 2013).

the parties proved unable to form a new partisan cabinet. The Rusnok cabinet stands apart. The rise of this cabinet has been classified as a single indirect party failure. Political parties caused the fall of the previous cabinet. Although they were ready to establish a new partisan cabinet, they were prevented from doing so by the president, who imposed his own technocratic cabinet. The 2013 government crisis also clearly demonstrated the impact of weak positive rules in the government formation process, wide discretion of the president in this process[26] and the impact of the popular election on the outcome of the cabinet crisis. Paradoxically, although the Rusnok cabinet's remit was not limited, it lacked the confidence of the Chamber of Deputies. In contrast, the Tošovský and Fischer cabinets were caretaker cabinets (i.e. with limited remit) that won their vote of confidence. All the Czech technocratic cabinets were interim cabinets (i.e. with limited time in office). The article has also demonstrated that the share of non-partisan ministers may not tell us much about the real influence parties (or presidents) have over technocratic cabinets.

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