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Vít Hloušek & Lubomír Kopeček

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Caretaker Governments in Czech Politics: What to Do about a Government Crisis

VÍT HLOUŠEK & LUBOMÍR KOPEČEK

Abstract

Czech politics suffers from a low durability of most of its governments, and frequent government crises. One of the products of this situation has been the phenomenon of caretaker governments. This article analyses why political elites have resorted to this solution, and discusses how this has reflected an older Czech tradition. Two cases of such governments are analysed in detail. The Tošovský government was characterised by the ability of the Czech president to advance his agenda through this government at a time when the party elites were divided. The Fischer government was characterised by the considerably higher role of parties that shaped and limited the agenda of the cabinet, and the president played a more static role.

A TYPICAL FEATURE OF CZECH POLITICS IS GOVERNMENT INSTABILITY. From the creation of an independent Czech Republic out of the former Czechoslovakia in January 1993 until the parliamentary elections in 2010 there were ten successive governments. Their average duration was about a year and a half. Compared to the rest of Europe this puts the Czech Republic alongside Italy and Belgium, the EU countries with the shortest-lived governments (Müller & Strøm 2000a).

The result has been the phenomenon of transition governments, which enter the political stage during a crisis after the fall of a previous government. These governments are typified by their distinctly non-partisan, more or less caretaker or technocratic ('expert') character. The goal of this article is to describe and compare these governments as they have occurred, to consider why political elites have resorted to this solution, and to discuss how this has reflected older political traditions and ideal stereotypes. We examine two cases from the era of the independent Czech Republic, the governments of Josef Tošovský (1998) and Jan Fischer (2009–2010), and also take a brief look at older Czechoslovak political history and discuss how caretaker governments are used elsewhere in Europe.

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Caretaker governments in Western European democracies

We begin with a terminological and theoretical digression. The issue of caretaker governments has been to a great extent overlooked in research on governing coalitions. These governments are usually mentioned in the broader comparative studies of democratic regimes. This was true even for one of the first texts that tried to define the properties of a caretaker government by Valentine Herman and John Pope, who defined it as one of the kinds of minority government that ‘come to power on those occasions when normal political differences between parties are temporarily forgotten with the result that a non-political government can be formed’ (1973, p. 196). Herman and Pope emphasised that caretaker governments are formed only for a short period of time and with limited freedom of action. Both of these traits are explicitly or implicitly accepted in most of the texts devoted to the subject, and in our opinion can be considered constitutive for the general description of these governments. What is debatable, however, is Herman and Pope’s concept of a caretaker government only as one kind of minority government. In practice this may or may not be the case. During the period after the break-up of the parliamentary coalition behind Silvio Berlusconi in Italy, in the wake of the former premier’s many scandals and growing economic problems, the so-called technocratic government (*governo tecnico*) of Mario Monti was set up, supported by the majority of the political spectrum with the exception of the Northern League and part of Berlusconi’s party. In our opinion, in terms of coalition theory, caretaker governments cannot be ranked under any classical type of coalition, and should be understood generally as deviant or non-standard cases. This conclusion is also supported by the above-mentioned element of the temporary nature and short lifetime of such governments. Therefore a number of studies devoted to various aspects of coalition governing specifically exclude the caretaker government from their set of analysed cases (Warwick & Druckman 2006; Huber & Martinez-Gallardo 2008).

The case of Italy in 2011 serves as a good example of the usual function of caretaker governments, which is to bridge the period between the fall of a government and early elections or the creation of a new party-based government. Sometimes, however, there can be other important reasons. The Italian caretaker government also inherited from the preceding regular government the thankless task of implementing socially difficult reforms and financial cuts in the social system, which to a large extent were forced by external pressures from the EU and the International Monetary Fund. This role is what makes caretaker governments useful to politicians. Thus, the finding of Peter Schleiter and Edward Morgan-Jones according to which ‘(caretaker) governments yield reduced policy and office benefits for politicians’ may not always apply (2009, p. 508). In an economically and socially normal situation this opinion is undoubtedly valid. But in an extraordinary situation politicians may appreciate at least a temporary ‘relief’ or ‘transfer’ of responsibilities for unpopular steps.

Another debatable but interesting topic is the party or non-party character of caretaker governments. This theme has two main aspects: the inter-party agreement, which forms the base of a caretaker government; and the political affiliation of the government’s ministers. In discussing Western Europe, Herman and Pope (1973) assumed the existence of an inter-party agreement which brings a caretaker government to office. They assumed that such governments will have a party base, if a minority one. A similar definition can be found, for example, two decades later in the work of Laver and Shepsle, where in a general footnote the caretaker government is described as follows: ‘After a cabinet loses its

parliamentary basis, it remains in office as caretaker until a new cabinet is sworn in' (Laver & Shepsle 1996, p. 47). We can regard this definition as a kind of classic trajectory of caretaker governments in Western democracies. This is well illustrated by the situation in the Netherlands, for example, where in view of how often a caretaker government has been resorted to (roughly once per decade) we can speak of a tradition of such cabinets. Caretaker governments enter the scene after government crises that have resulted in the break-up of the previous coalition, and they are continuations of part of the previous rump cabinet (*rompkabinet*) coalition, and their purpose is to bring the country to early elections (Andeweg 2008). In practice, for example, in 2006 the small liberal party D66 left the coalition led by Christian Democrat Jan Peter Balkenende. Until early elections five months later the country was formally under the new government, still run by Balkenende and consisting of two remaining coalition parties, the Christian Democrats and the liberal-conservative People's Party for Freedom and Democracy (VVD). In terms of personnel the Dutch caretaker government in effect represents a continuation of the preceding partisan cabinet, with only a few ministers changed.

The 2011 Italian caretaker government visibly diverged from the classic trajectory, however. The government came out of an inter-party agreement, but was re-constituted on a non-partisan basis. This is not a new thing in Italy, but a repeat of approaches used in the past. An even greater divergence from the classic trajectory is shown by some semi-presidential regimes where caretaker governments were formed not only without an inter-party agreement, but even against the will of the most important parties. Perhaps the most interesting case consists of the three transitory caretaker governments in Portugal in the period 1978–1979 headed by a non-partisan premier, governments put in place by President Eanes over the opposition of the main parties (Martins 2006; Magone 2000). A slightly different picture of a caretaker government was provided by Finland in the era of President Urho Kekkonen. Kekkonen's quarter century in office (1956–1982) saw six caretaker governments, the actual 'instigator' of which was the head of state, while the political parties were sidelined.

In Eanes's Portugal and Kekkonen's Finland as in Italy there was a tendency to nominate non-party ministers, though the result was not always a purely technocratic government. In the case of Finland, *Jakko Nousiainen* writes that 'Part of the short-lived caretaker cabinets have been more or less pure civil servant governments, whereas others have been composed of openly political figures, even members of parliament' (2000, p. 273). Nevertheless the premiership and the key ministries were always occupied by persons without formal party affiliation.

Octavio Amorim Neto and Kaare Strøm (2006) observe that in Central and Eastern Europe after 1989, semi-presidential regimes have been characterised by a much greater proportion of non-party figures than parliamentary regimes. With semi-presidential regimes this is because even in 'non-caretaker' governments there are often ministers without party affiliation. As these authors emphasise, however, even in purely parliamentary regimes, caretaker governments commonly include non-partisan ministers.

The issue of non-partisan ministers must be approached with some caution. Not even formally non-partisan ministers completely lack a political background, and often they are not just economic or other experts. In the case of Italy in 2011, in the non-partisan technocratic government led by Mario Monti there were a number of ministers who in the past had close ties to former premier Berlusconi. Their nomination was regarded as a concession to Berlusconi. Likewise the Monti government included people with ties to the left. A very similar picture is

offered by the mid-1990s ‘predecessor’ to the Monti cabinet, the caretaker government of Lamberto Dini. Premier Dini himself had served as treasury minister in the previous (Berlusconi) government, and politically was seen as inclining towards the centre right.

Caretaker governments in East–Central Europe and the Czech case

The debate over technocratic non-party deviations from the classic trajectory of caretaker governments is of limited usefulness in view of their occurrence in only a few West European countries. In some of the countries, such as the case of Finland since the end of Kekkonen’s presidency, during recent decades no non-partisan caretaker government has appeared. This would seem to relate to the gradual parliamentarianisation of the originally semi-presidential regime of the late twentieth century and the increasing stability of governments. Nevertheless new empirical evidence has appeared with the birth of democratic regimes in Central and Eastern Europe after 1989, which brought a significant increase in the occurrence of caretaker cabinets, and above all significant variations in their form. Their greater occurrence was partly due to the frequent government crises, especially in the 1990s, when political actors were first learning to deal with them, and due to the increased importance of the president in many of the new democracies.

There is not enough space here for a comprehensive overview of Central and Eastern Europe; nevertheless we must mention at least a few selected studies. For example, Poland in 1991 after Lech Wałęsa became president saw the government of Jan Krzysztof Bielecki, in which roughly half the ministers had no party affiliation; the other half including the premier were members of some political body, most from the disintegrating Solidarity movement, of which Wałęsa was the historic leader. The Bielecki government lasted about a year, supported mainly by parliamentarians of some of the post-Solidarity parties.

Although the constitution of 1997 re-defined and weakened the status of the president, this did not prevent the president from actively intervening in the formation of governments. A clear example was that of President Aleksandr Kwaśniewski, originally from the ex-communist Union of the Democratic Left (*Sojusz Lewicy Demokratycznej*). When his government was weakened by corruption scandals in 2004, he backed the new cabinet of Marek Belka. In this way he was able to avoid early parliamentary elections which threatened to become a political debacle for the left. The Belka government, which lasted until regular elections in the autumn of 2005, consisted of some of the previous ministers, along with people linked to the president and non-partisan specialists. In parliament the government was eventually opposed by most of the (disintegrating) left and independent members. Premier Belka was formally a member of the Union of the Democratic Left, but he tended to distance himself from his party membership, and towards the end of his electoral term took part in the unsuccessful project of a new liberal party (Dudek 2007).

Both of these Polish governments displayed significant deviation from the classic trajectory of most caretaker governments in Western Europe, and likewise show their difference from the Italian, Greek and Finnish cases. Terminologically they can more or less be labelled as semi-political cabinets with presidential backing.

The diverse political makeup of caretaker governments in the new Central European democracies is fully displayed within the framework of one country, Slovakia, where ever since independence the position of the president has been weak. A new coalition government was assembled in February 1994 with the purpose of leading the country to

early elections six months later. The situation came about because premier Vladimír Mečiar had become unacceptable to the opposition, which formed its own caretaker government. In 2006, in a different, much less polarised situation after the break-up of the Mikuláš Dzurinda coalition, a caretaker government was elected in the classic form predominant in Western Europe to serve out the several remaining months of the government's term until early elections, but without one of the previous three coalition parties.

The wide variety of caretaker governments in Central and Eastern Europe makes it impossible to put a single label on all of them. The classic trajectory found in Western Europe occurs here, but this is only one of the forms that a non-standard government can take. The goal of this text nevertheless is not a comparison of caretaker governments across Europe, but a case study of the Czech Republic. Therefore we briefly outline the various caretaker governments that have occurred in Czech politics.

A number of terms have been used in the Czech milieu for governments that are not fully based on the result of elections or purely upon the party principle. During the era of Czechoslovakia's First Republic (1918–1938) the preferred term was administrative cabinet (*úřednická vláda*), the meaning of which was close to the Italian term of technocratic government. During the preceding era and after 1989, other terms were used. Besides administrative government we also find the term government of experts, or non-political or semi-political government. All of these attributes were applied to governments on the basis of their composition. In current Czech political practice the term transition government also appears, expressing the time-limited and content-limited mandate such a government is considered to have.

In the analysis to follow we will be working with the terms non-partisan government and semi-political government as two specific types of caretaker government. A simple criterion for distinguishing between these two types of government is their composition. The term non-partisan government reflects the predominance of government ministers who are not members of any party. A semi-political government is actually 'halfway' between non-partisan and a party government and a more or less equal mix of partisan ministers and ministers without party affiliation. In making this distinction we ignore the influence of parties on the composition of such governments and their agenda. As we will also show, during the First Republic and again after 1989 we find that such governments, despite their formally non-partisan ministerial structure, are strongly, fundamentally shaped by the political parties.

An excursion to Czechoslovak history between the wars

The original phenomenon of caretaker governments has deep roots in Czech political culture. One enthusiastic proponent of caretaker cabinets was Czechoslovakia's first president Tomáš Garrigue Masaryk, who as leader of the resistance in exile during World War I played a decisive role in the creation of Czechoslovakia. He returned to his home country having been influenced by the American presidential system. In his view ministers should be more like a president's 'cabinet secretaries'; they would be 'specialists chosen from outside of parliament' (Klimek 1996, p. 43).

But besides the American inspiration, it was Austrian politics that undoubtedly shaped Masaryk's original and fundamental political socialisation. For many years before World War I, Masaryk served as a representative in the Vienna parliament (*Reichsrat*). In the Austrian constitution of 1867, the government was defined as a cabinet named by the

Emperor without direct accountability to parliament. In practice the Emperor preferred to name his own ministers instead of conforming to the composition of the lower chamber of the Austrian parliament. Austrian governments could issue decrees to bypass parliament even during the legislative process, and with parliaments severely fragmented by party and nationalistic quarrels, it is no surprise that caretaker governments were actually more successful in promoting their agendas than political governments. One example would be the long era of ‘above-party’ governments of Eduard Count Taaffe (1879–1893), or the cabinet of Ernest von Koerber at the turn of the twentieth century that concentrated on economic development (Jelavich 1987, pp. 96–97; Höbelt 2002).

However, after the creation of Czechoslovakia, President Masaryk encountered resistance by the Czech and Slovak party elites, who justifiably saw this tendency toward a presidential regime as an attempt to sideline them politically. Despite Masaryk’s disapproval, the new Czechoslovakia opted for a parliamentary system in which the role of the president was formally limited: the main role in choosing government ministers remained in the hands of the party elites. In practice this did not prevent Masaryk, who enjoyed extraordinary social and political authority, from affecting the character of governments and the choice of ministers. Under normal situations he would always manage to bring one or two ‘expert’ ministers close to him into the cabinet. Thus Edvard Beneš, Masaryk’s colleague from resistance in exile, was appointed as foreign minister. Even Beneš, however, soon joined one of the smaller political parties at the time, the centre-left National Socialists (*Československá strana národně socialistická*).

Masaryk’s advocacy of a non-partisan ‘government of experts’ might never have been consummated if Czechoslovakia between the wars had not had to face a deep political crisis that threatened the very survival of democracy and the state itself. The majority of parties and elites representing the German minority living in the border areas wished to join neighbouring Germany and the Republic of Austria. There was nationalist violence and loss of life. In 1920 this was compounded by growing conflicts within the most important governing party, the Social Democrats. Its left-wing, pro-communist faction turned against the Czechoslovak political regime and was determined to follow the Soviet (Bolshevik) example. In this situation the Social Democrats took a ‘time out’ to settle their internal problems; meanwhile, however, they did not want the Agrarians to remain in power as the second-strongest party in the coalition government. Thus in mid-September 1920 Social Democratic ministers, including Premier Vlastimil Tusar, resigned, as did their agrarian colleagues soon after. At this crucial moment Masaryk appointed high state official Jan Černý as premier; Černý also took over as Minister of the Interior. The other ministerial posts were occupied by people without any party membership, such as bureaucrats or academics, who were chosen or approved by the president. We might call this a non-partisan cabinet with presidential backing. Černý’s caretaker government, which Masaryk presented as a temporary measure, was supported by all the previously governing parties including the moderate wing of the Social Democrats. The new premier was selected on the recommendation of the departing premier Tusar (Kárník 2003a, p. 138).

Because of the way the constitution was structured, the government did not have to ask the Chamber of Deputies for a vote of confidence. (This was also the rule for later, similar governments between the wars.) Černý’s government took a hard line against the Bolshevik left, and successfully suppressed a general strike called by the radicals. It also succeeded in pacifying

nationalist unrest in the border regions. We could call this a ‘strong-arm’ government (*vláda silné ruky*) (Balík 2010a, p. 48). But by the time its ‘dirty work’ was done, the government’s popularity had sharply declined. When the political and social situation settled down during the first half of 1921, Černý’s government was replaced by a new government composed mainly of members of parties. Even this cabinet, which lasted only a few months, showed some specific traits of what we have called above a semi-political government. The government was headed by Edvard Beneš; and a third of the ministers were ‘minister-experts’ without party membership. Subsequent cabinets, however, were formed along party lines.

To understand why the Černý government was created and what it did, we must focus on the existence of the so-called ‘Five’, an informal collection of the leaders of moderate political parties which functioned as a kind of shadow political ‘incubator’ for the caretaker government. In practice the Five served as a political midwife delivering support for the government in the parliament. The Five did not disappear when the Černý government left office, and continued to function in various expanded forms and various party configurations even during the era of party-based governments.

A second example of a ‘pure’ non-partisan government occurred in 1926. This time the cause was not a deep political crisis threatening democracy itself, but ‘only’ a conflict between Czech socialist and non-socialist (centre and centre-right) parties of the previous governing coalition. This conflict occurred only six months after elections, after Antonín Švehla, the previous prime minister and the head of the Agrarians, the largest governing formation, had become seriously ill and announced his resignation. Again President Masaryk turned to the reliable Jan Černý as the new premier, and again, the Černý cabinet was formed from people chosen by the president, most of them professional state bureaucrats. The solution imposed by Masaryk was not welcomed by some officials of the governing parties. However, since a government of the parties was impossible at that time, they had no choice but to accept the president’s choice. The atmosphere at the time was also influenced by concerns over the future of democracy, especially amid rumours of a Fascist *putsch* by General Radola Gajda. Unlike the situation in 1920, however, this factor played only a secondary role in the installation of a non-partisan government, as the Czech Fascists did not have any significant popular support.

Despite ideas emanating from presidential circles about a longer-term existence for the Černý government (Klimek 1996, p. 373), the cabinet lasted only six months. The non-socialist parties of the Švehla government were soon able to come to agreement with the opposition Agrarians and Christian Democrats on the composition of a new political government of the centre-right. For the first time since the founding of Czechoslovakia, ethnic German political representatives took part in the government. This governing coalition, after some vacillation, added the Christian conservative Hlinka’s Slovak People’s Party as well as the nationalist Czech National Democrats, who had originally refused to take part in the government because of the German parties’ involvement. Although Masaryk had initially promoted a centre-left coalition, in the end he accepted this solution. The second caretaker non-partisan government had served for only a short transition period before a governing majority in parliament was reconstructed (Holzer 1998).

The ‘caretaker government’ formula was resorted to one more time at the end of the inter-war era. In September 1938 a caretaker non-partisan government under Jan Syrový was named by President Beneš, who had replaced Masaryk as president in 1935. The government presented itself at home and internationally as a ‘government of national defence’ against the

threat from Hitler's Germany. Unlike in 1920, this time it was facing an external threat. In this context it was quite natural that the premier also held the office of minister of defence. Syrový, like Černý before him, was completely loyal to the head of state, and adhered fully to his decisions. Real political leadership (and responsibility) during this period of extraordinary danger to the state thus fell—as it did in 1920—to the president. The formation of a caretaker government was supported by the most important political party, the Agrarians. However, there were some differences to be observed between the caretaker governments of 1920 and 1938. On one hand, the character of the threat to democracy and to Czechoslovakia as a country was different in 1938—the danger came mainly from outside, not from inside as in 1920. Moreover, the Syrový government was less a 'caretaker' government and more a 'political' government. As historian *Zdeněk Kárník* writes,

(its ministers) tacitly represented the previous political coalition, and more importantly under more extreme conditions; moreover, and this was more important, in critical situations, where critical situations were an everyday condition, when the government met on important issues it was always attended by the chairmen of the coalition parties; government meetings were actually preceded by meetings of the party chairmen, and the principles of its decisions were decided upon beforehand. (2003b, p. 606)

The Syrový government was no more than a brief episode, however. After the Munich Accords, under which Czechoslovakia lost much of its territory, the country's politics degenerated quickly. The Syrový government resigned in early October 1938. Despite the catastrophic situation in which Czechoslovakia found itself, the premier was again charged with forming a government, and the partially altered cabinet carried on for another two months.

In sum, caretaker governments in inter-war Czechoslovakia functioned primarily as a method of emergency transition during severe crises or in situations when party-based governments seemed impossible to form. The appearance of caretaker governments was also partially caused by the lack of strong and stable parliamentary majorities for party-based governments. Confronted by parties on the far left and German-speaking minority parties that were hostile to the state or the democratic system, the moderate parties preferred that unpopular or risky political measures be taken formally by governments of experts. Party bosses proved willing to support the 'caretaker' solution that they had rejected at the time Czechoslovakia was founded. The caretaker non-partisan governments became emblematic of a pragmatic and consensual approach agreed upon by moderate party elites and the president. The public became accustomed to these governments and regarded them as nothing out of the ordinary.

A semi-political episode during the transition to democracy

The caretaker non-partisan government as a temporary emergency measure for overcoming difficult situations persisted in the minds of Czechoslovak politicians during World War II. It was resorted to again towards the end of the short semi-democratic interlude of 1945–1948. Politicians from the non-communist parties desperately sought ways to prevent the Communists from gaining a monopoly on power. At that time Czechoslovakia had a coalition government representing all of the parties allowed to exist at the time, and headed by Communist leader Klement Gottwald. In February 1948 the majority of the non-communist ministers submitted their resignations, expecting the government to fall and President Beneš

to name a new caretaker government. They hoped that such a government would eliminate the threat of a Communist takeover, and guide the country towards new elections.

However, given the constellation of power at the time this plan was illusory. The Communists, who controlled the ministries of interior, defence and information (propaganda), and who had prepared systematically for a power struggle over a period of years, were able to mobilise their supporters and take complete control of the public arena. After five days the president, under pressure from the Communists, accepted the resignations of the non-communist ministers and agreed to the reconstruction of the existing government proposed by Gottwald. Thus it was clear that in practice the ‘caretaker’ scenario can be successful only when the democratic elites have the means to oversee it.

During the era of the communist regime and its governing state-party, there could be no question of any caretaker government. It is noteworthy, however, that the beginnings of the post-1989 era gave clear indications that the idea of the need for a government of experts was undergoing a revival. Here we must recall the broader political context at the time. Czechoslovakia was led to the first free elections by a government of ‘national understanding’. This government was created in December 1989 as the product of negotiations between the main actors of the democratic transition, the Czech Civic Forum (*Občanské forum*—OF) and the Slovak Public Against Violence (*Verejnosť proti násiliu*—VPN), and a few representatives of the old Communist regime. Formally the government included ten Communists; seven ministers had ties to the OF and VPN, and four ministers belonged to two small Czech political parties that originally functioned as Communist satellites and which had deftly switched to the victorious side during the regime change. However, the political composition of this government was marked by a dynamic turn of events. Most of the Communist ministers, including Premier Marián Čalfa, quickly cast aside their party membership cards and joined the OF and VPN. Given that the OF and VPN were essentially open political movements, the actual number of party members in this government was minimal.

The figure of premier Čalfa merits special attention. Čalfa served in the previous Communist governments as minister in charge of organising the legislative agenda of the government. During the transition to democracy his significance was that of someone who knew his way around the constitutional and other less visible aspects of the former regime. What was important from the standpoint of the victorious OF and VPN was that he was willing to work closely with them, and respect their wishes. Čalfa’s direct contribution to both movements was the part he played in the successful management of the election of the OF leader, dissident Václav Havel, as president during the second half of December 1989. Čalfa was able to devise an effective strategy to eliminate Havel’s main rival Alexander Dubček, popular icon of the 1968 Prague Spring, who was ‘shunted aside’ into the office of head of the Czechoslovak parliament. Čalfa also played a major part in ‘convincing’ the representatives in the Czechoslovak parliament, the vast majority of whom were Communist Party members, to elect Havel. As Čalfa later laconically commented, ‘I was really very brutal’ (Suk 2003, p. 224). The premier’s instruments of pressure evidently included threats to re-ignite the mass protests Czechoslovakia had experienced a few weeks before, threats to publicly stigmatise those who would not go along, and pledges that representatives could keep their seats until the elections. Here was the inception of the close relationship between President Havel and Premier Čalfa, which became even stronger as the months went by. By the first half of 1990 this had led to a situation tellingly described by one of the OF leaders *Zdeněk Jičínský*:

At that time the president had much greater power and influence than the government headed by Marián Čalfa, whose position was weak for a number of reasons [especially his past as a high communist functionary, which earned him the distrust of many OF and VPN activists]. It should be said that this political situation was generally seen by the political structures as natural, as the political and personal authority of Václav Havel was enormous at the time. He was always—in one way or another, regardless of whether it was within his presidential powers—the one who made decisions over the widest range of political and personnel issues that for one reason or another had become disputed. (1993, p. 128)

In these fluctuating conditions a configuration emerged similar to the inter-war relationship between the president and the caretaker governments: the premier was again an ‘expert’ fully loyal to the president. Havel’s position as president was much stronger compared to that of Masaryk or Beneš due to his continuing role as the informal leader of the OF.

Havel’s extraordinary position continued even after the first democratic elections held in early June 1990. In the Czech Republic the elections were won overwhelmingly by the OF, and in Slovakia somewhat less impressively by VPN. The president again backed Marián Čalfa as premier. Havel’s decision in favour of continuity was becoming clear even before the elections. For example, at the final pre-election meeting of the VPN in Košice he declared that without Čalfa ‘by his side’ he could not envision continuing in the office of president (Antalová 1998, p. 179). The elites of the OF and VPN respected the president’s wishes, although this brought disagreement especially among Czech elite members. This disagreement emerged most visibly in the statements of some of the delegates to the OF’s first post-election congress in mid-June. In their view he had been a useful ally during the complex dismantling of the old regime, but after the democratic elections his continuation in office began to look like a failure to respect the election’s results (Havlík & Pečinka 2005, pp. 83–84; Hadjisky 2008, p. 79; Měchýř 1999, p. 200).

The continuity after the 1990 elections pertained not only to the premier, but the entire Czechoslovak government. Of a 16-member government, there were only seven new ministers. Even in the selection of individual ministers, the president had the last word, albeit after consultation with individuals within a narrow circle of OF and VPN leaders. (A third formation in the government was Slovakia’s Christian Democratic Movement, which nevertheless would end up with only two ministers in the cabinet.) An extreme case of continuity of personnel was defence minister Miroslav Vacek, who did not resign from the Communist Party, but only suspended his membership. Havel replaced him as defence minister only after several months under strong public pressure, when Vacek’s eagerness to defend the Communist regime by force in late 1989 became known.

The second Čalfa government was supposed to function as a team of experts, as Havel said explicitly when he presented it to the Czechoslovak parliament in late June 1990,

people have been brought in for whom the general interest and general necessity are more important than their individual careers, and it is assured that they will not do otherwise than they ought simply due to personal popularity and their own political future. In selecting them the professional ability to run a certain ministry was more important than political orientation.¹

¹Federální shromáždění ČSFR, session of 29 June 1990, ‘Společná česko-slovenská digitální parlamentní knihovna’, available at: <http://www.psp.cz/eknih/1990fs/slnprot/002schuz/s002001.htm>, accessed 31 May 2011.

Havel justified his handling of the issue by saying that the government must undertake many economically and socially unpopular reforms, calling it in a speech a ‘government of national sacrifice’, which became the widely accepted term for Čalfa’s new cabinet.² From Havel’s perspective the advantages of a caretaker government were remarkably parallel to those seen by Masaryk. It must be added that the president’s manner of naming a government was undoubtedly influenced by another source of ideas connected with his dissident past when he had developed the concept of ‘non-political politics’, which took a negative view of parliamentary democracy and the role of political parties, and instead emphasised the importance of personal character as the prime mover of a better model of politics and ‘existential revolution’ (Havel 1990, pp. 60–61).

The technocratic character of the old-new government was talked about not only by the president but by Premier Čalfa.³ This characterisation of government was supported by other accompanying factors. Half of the ministers did not even run in the June parliamentary elections. In presenting the cabinet to the public and the Czechoslovak parliament, the looseness of ties to the OF and VPN was demonstrated by the fact that most of them were announced without their party membership.

It is nevertheless imprecise to call Čalfa’s second government a ‘pure’ non-partisan government. The main factor working against this interpretation is that some of the ministers quickly proved to be a certain type of *homo politicus*, and the character of the government therefore went through some rapid changes. The most obvious political ambition was displayed by finance minister Václav Klaus, who had headed the same ministry in the first Čalfa government. Immediately after the election Klaus became the leader of the dissatisfied faction within the OF and he succeeded in building his image as the main ‘father’ of the ongoing economic transformation from central planning towards a market economy. In October 1990 Klaus became chairman of the OF, defeating the candidate of the pro-Havel wing at the OF party congress. Klaus openly argued for his view of the OF as a party, and after the Forum fell apart in early 1991 he became chairman of its successor on the right, the Civic Democratic Party (*Občanská demokratická strana*—ODS).

The break-up of the OF, and soon after the VPN as well, presented the main impulse that pushed the majority of ministers to join the new formations being built on the ruins of the two movements. The other successor formation of the OF, the Civic Movement, which was joined by the greatest number of members of Čalfa’s government, was clearly lukewarm towards the concept of political parties as such, and sympathised with Havel’s concept of non-political politics. But even this formation presented itself as liberal-centrist. After the two Čalfa governments of 1989–1992, the most precise label we can suggest would be a semi-political cabinet with presidential backing.⁴

²Federální shromáždění ČSFR, session of 29 June 1990, ‘Společná česko-slovenská digitální parlamentní knihovna’, available at: <http://www.psp.cz/eknih/1990fs/sln/stenprot/002schuz/s002001.htm>, accessed 31 May 2011.

³Rudé právo, 28 June 1990.

⁴The regional government of the Czech Republic at the time had a similar semi-political character. When Czechoslovakia was a federation, both the Czech and Slovak republics had their own government. The Czech government was considered by politicians and the public to have much less importance than the Czechoslovak federal government.

The context of the Josef Tošovský government

After the 1992 elections, the Czech political scene tilted decisively towards the party principle, according to which cabinets are formed on the basis of coalition discussions between the parties. An important role in this was played by the changing context and atmosphere of the times. Politics were dominated by the winner of the 1992 elections, Klaus's ODS, with Klaus becoming premier. Nevertheless it must be remembered that Havel, after resigning from the office of Czechoslovak president, became the president of the new Czech state. He still wielded strong social and political authority, which made it highly unlikely that he would be content to serve as a weak and ceremonial president. Also important was the new Czech constitution of December 1992. It set forth a parliamentary regime with limited presidential powers, but left the head of state a relatively large say in the process of selecting a premier. The constitution laconically stipulates that the president names the premier without specifying details or limitations on the head of state in doing this. These presidential powers can only be effective, however, if the party elites are incapable of agreeing on a government with strong backing or at least capable of winning a vote of confidence in parliament (Havlík 2011).

This very situation occurred for the first time at the end of 1997. It was brought on by the results of the 1996 elections, again won by Klaus's ODS; however the coalition lost its majority in the Chamber of Deputies, and now had only 99 out of 200 deputies. Klaus's governing coalition soldiered on despite this result, winning its vote of confidence with the help of the left-wing Czech Social Democratic Party (*Česká strana sociálně demokratická*—ČSSD), who left the chamber before the vote was taken. To win a vote of confidence the constitution requires a majority of deputies in attendance, so this gave the deputies of the coalition parties enough votes. The Communists and the far right, excluded from talks on the new government, and together making up one-fifth of the deputies, voted against.

In practice this second Klaus government was very weak from the outset, not only because of its position as a minority government, but because of other factors as well, including a worsening conflict within the government between the ODS and two smaller coalition parties, the liberal-conservative Civic Democratic Alliance (*Občanská demokratická aliance*—ODA) and the Christian Democrats (*Křesťanská a demokratická unie*—*Československá strana lidová*—KDU—ČSL). These two small parties also gradually came into conflict with one another. The Christian Democrats let it be known that they would be willing in future to work with the Social Democrats, and were evidently losing interest in being a part of the existing centre-right coalition. A role in the break-up of the coalition was also played over the course of 1997 by growing economic problems, which forced the government into extensive belt-tightening measures, and provoked discussion over whether the economic transformation of the preceding years had really been successful. This undermined the position of Premier Klaus, whose status within his own party was also weakened.

The final straw that broke the back of the government and the premier was the problem of questionable ODS party financing. This led to the collapse of the governing coalition at the end of November 1997. On 28 November 1997 two leading ODS politicians, Minister of Finance Ivan Pilip and former Minister of the Interior Jan Ruml, called on Klaus to step down as party head responsible for the party's financial scandals. Both politicians claimed

they took this action to prevent the break-up of the governing coalition. Even so, only a few hours after they made their statements, the Christian Democrats announced that they were leaving the coalition, saying that Klaus was no longer acceptable as premier. The next day the ODA announced its departure, and Klaus announced his resignation as premier, thus bringing down the government in accordance with the constitution (Kopeček 2010, pp. 286–92).

Now President Havel took the initiative, and a week after Klaus's resignation he charged Christian Democrat chairman Josef Lux with putting together a new government. Lux was given the role of *informateur*, which appears nowhere in the constitution, but is not excluded by it either.⁵ In entrusting Lux with the job it seemed that besides the Christian Democrats only the ODA would be willing to take part in the new government. The Social Democrats refused to join the new government right after Klaus's resignation, and demanded that parliament be dissolved as soon as possible and new elections called. The ČSSD was motivated to take this position by its strong support among voters and the ODS's corresponding decline in the polls. The Social Democrats formally justified their demand for early elections by pointing out the impossibility of forming a government with a firm majority in parliament. The Civic Democrats, split into pro-Klaus and anti-Klaus factions, were disunited in their attitude towards negotiations on a new government. Klaus advocated going into opposition; while the anti-Klaus wing was for restoring the original governing coalition. One important moment was the result of the ODS party congress in December 1997, where Klaus defeated opponent Jan Ruml for the chairmanship. A major factor dominating the talks on a new government was the rising animosity among the previous party leadership elites. This was emphasised by Lux, who described the result of the congress as ruling out any possibility that the ODS 'could achieve anything positive' in assembling a government.⁶ Similar sentiments were made by ODA chief Jiří Skalický.

The relationship was even more hostile between Havel and Klaus, building on their previous mutual enmity. Havel, who welcomed Klaus's resignation as premier, openly supported Jan Ruml in the fight over the ODS chairmanship. Reviewing the time he had spent as Czech president in a mid-December speech before a joint meeting of both houses of parliament, the diplomatic corps and the government in resignation, Havel harshly criticised Klaus's political style and the results of economic transformation. Klaus for his part interpreted the events of late 1997, plausibly to most of the party's members, as 'a political conflict between the ideas of the president, (...) and one wing of the ODS, (...) and representatives of the coalition parties for position in the government; it was a battle against the left over the future of this country' (Jüngling *et al.* 1998, p. 96).

In this political constellation the formation of a party-based government with a chance of winning a vote of confidence in parliament was clearly impossible. In the final outcome an important role was played by the president, to whom after two weeks Josef Lux presented the results of his mission of negotiation. The various scenarios, not presented to the public, were summed up by the president for reporters in words that left no doubt about how the new cabinet would look; '[One variant] seems to me relatively realistic, and even attractive.

⁵The *informateur* is not expected to finalise a coalition, but attempts to find preliminary agreement to identify a likely coalition. The original use of the instrument of *informateur* in the Czech political tradition can be found after the elections in 1996, when President Havel charged sitting premier Klaus with forming a new government, but waited until a number of days had passed before formally naming him as premier.

⁶*Právo*, 19 December 1997.

Party members and non-party members are represented pretty much equally. There are a great many new faces, and more women as well'.⁷ Havel evidently had decided to return to the early 1990s tradition of semi-political governments.

This was also reflected in the choice of a new premier, named by Havel the day after the ODS congress ended: it was long-time central bank governor Josef Tošovský. Havel himself said that he chose from several names submitted by Lux. It is nevertheless clear that the name of Tošovský had been raised in circles close to the president independently of Lux's mission. This is confirmed in hindsight by reviewing the political debate in the spring of 1997, when Klaus's government was experiencing a crisis that it managed to weather. At that time the naming of Tošovský as premier of a 'government of experts' was floated not only by Josef Lux, but by opposition leader Miloš Zeman of the ČSSD, who spoke of Tošovský as a suitable candidate.⁸ Thus Havel could reasonably count on a positive reaction from the Social Democrats. In the context of naming a new premier it was not unimportant that in previous years Tošovský had been the repeated target of criticism by Klaus for bad policies by the central bank.⁹ Along with other factors this would have an effect during the formation of the new government.

From the standpoint of the political debate that had been ongoing for several months before Tošovský was actually named premier, it is also important that ČSSD head Miloš Zeman had referred to the new cabinet as an emergency solution until early elections could be held. The communists, too, had openly mentioned a non-partisan government as a possible solution to the government crisis in the spring of 1997. Among other things this demonstrates that at least a portion of the party elites was aware of the inter-war experience with caretaker non-partisan governments, and was willing to resort to these as the way out of a government crisis.

The formation of the Tošovský government

In forming his government premier-designate Tošovský acted to a significant degree independently of both Havel and Lux. He accepted the president's nomination on the condition that the government would be temporary, and that he would have freedom of decision in choosing his ministers. This latter meant in effect that Tošovský was only partially willing to take into account the result of the 1996 elections and the opinions of the party leaders. Tošovský first called on the leaders of the former coalition parties formally to submit a list of suitable ministerial candidates. The KDU-ČSL and ODA rapidly complied. Tošovský also called on the ODS; after its party congress the ODS rejected Klaus's call to go into opposition, officially expressed interest in taking part in the Tošovský government. However, Klaus took his time in reacting to Tošovský's call to submit the names of possible ministers. After a few days under mounting pressure the ODS chief demanded a 'designated space', that is, government seats set aside for the ODS, which the party would decide itself how to fill. In this way Klaus attempted to force upon the premier the classic coalition

⁷*Mladá fronta Dnes*, 18 December 1997.

⁸*Právo*, 21 June 1997.

⁹In particular Klaus criticised what he saw as bad monetary policy. The central bank, in his opinion, was fixated for too long on maintaining a strong Czech crown, which led to a currency crisis in spring of 1997, exacerbating the country's economic problems.

principle of dividing up ministries by party. Tošovský rejected this as unacceptable interference in his personal freedom to choose.

In this situation the premier decided to offer seats in the new government to several ODS politicians including former Minister of Finance Ivan Pilip. He also turned to the ODS parliamentary caucus chairman, who reacted positively. Thus Tošovský worked around the ODS leadership. The ODS leadership condemned the premier's actions, and after the new government was presented on 30 December 1997 it called on the four ministers with ODS party cards to either resign their government posts, or leave the party. At the beginning of February 1998 the anti-Klaus faction led by Pilip and Rumík, joined by roughly half of its deputies in parliament, announced the formation of a new party, the Freedom Union. Tošovský's actions in forming the government significantly accelerated the break-up of the ODS, which otherwise would have probably happened more slowly.

In assembling his government Tošovský also advanced his own opinions against those of the two parties in his government, the Christian Democrats and the ODA. The manner in which the government was formed included a significant dimension of negotiation between the premier and both of these two parties. In the end the KDU-ČSL formally nominated five ministers (out of 17), which was one more than it had in the previous Klaus government. In fact, however, Tošovský chose from among a number of candidates proposed by the KDU-ČSL. Moreover he rejected the wishes of these parties to retain the ministries they had previously held. The Christian Democrats, for example, were unable to hold on to their 'traditional' ministry of defence, in which they had a close interest because of the possibilities it offered to award large state contracts. The ODA was actually weakened slightly, losing one of the four seats it held in the previous Klaus government.

Identifying the exact ratio between party and non-party members in the Tošovský government, and the influence of the individual parties in the government, was difficult. Numerically the government named by the president on 2 January 1998 consisted of ten persons with party membership and seven without, including the premier. However the political labels of the ministers underwent rapid changes during the government's brief seven-month existence.¹⁰ It therefore makes sense to characterise the Tošovský government as a semi-political cabinet with presidential backing. This backing did not mean that the president himself took a hand in the Tošovský-led negotiations during late December 1997. Due to poor health Havel was recuperating abroad at the time the government was being formed. The president's role in nominating specific ministers was far less significant than it was in forming the Čalfa governments of the early 1990s. However, the basic parameters of the Tošovský government corresponded to Havel's concept.

¹⁰The mosaic of political problems faced by the government from July 1998, when it was sworn in, was extraordinarily colourful. Besides the defection of four members of ODS who joined the Freedom Union, there was another major shock with the disintegration of the ODA. During the early months of 1998 financial problems emerged in that party similar to those that shortly before had contributed to the break-up of the ODS. In February 1998 the Minister of the Environment and ODA chairman Jiří Skalický resigned, to be replaced by non-party-member Martin Bursík who was recommended by the KDU-ČSL. The ODA was also abandoned by its two remaining ministers, who remained for a time without party affiliation. In the June 1998 elections, however, one of them (Karl Kühnl) campaigned with the Freedom Union, and the second (Vlasta Parkanová) with the KDU-ČSL, but without becoming formal members of these parties (though both formally joined the parties after the elections). Minister without portfolio Vladimír Mlynář, previously an advisor to Josef Tošovský, joined the Freedom Union in March 1998. Of five ministers originally nominated by the Christian Democrats, two were without party membership.

*How the Tošovský government won ‘limited’ confidence in the Chamber of Deputies,
and the government’s performance in office*

Unlike the inter-war caretaker governments, the Tošovský government needed to win a vote of confidence in the Chamber of Deputies. The ČSSD was concerned that having won the vote the president would lose interest in early elections. This was not entirely groundless, because in the December discussions over the government both Lux and President Havel had had reservations about the ČSSD’s proposal that elections be scheduled for June 1998. They argued that the constitutional possibilities for prematurely dissolving an existing Chamber of Deputies were relatively limited. The strongest objections within the government to quick early elections came from ODA chief Jiří Skalický. In his case resistance was motivated by the rapid degeneration of his party, for which early elections could have meant failure to win any seats in parliament.

Discussions through the month of January 1998 were also burdened by the ČSSD’s concern that the government’s mandate of a few months might grow into something much longer. Some of the Social Democrats led by vice-chairman Vladimír Špidla categorically refused to support the Tošovský government, calling it right-wing.

Nevertheless, in the end an informal agreement was reached that satisfied the Social Democrats. Before the vote of confidence the parliament was addressed on 27 January 1998 by the president, who expressed his support not only for the Tošovský government, but for a June date for early elections. Tošovský also presented the government as temporary and limited in its programme, and promised explicitly that the cabinet would cooperate in quickly dissolving the Chamber of Deputies.¹¹ The pro-government deputies also supported the motion of the ČSSD that the government submits to parliament its ideas on how to proceed with privatisation and liberalisation of some of the prices still being regulated by the state such as for energy and rents. The Social Democrats did not want the new government to take any major steps in this regard. A day after the confidence vote support was expressed for the government by all of the ČSSD deputies, which together with the deputies from the governing parties the Christian Democrats, the ODA and the Freedom Union formed a comfortable majority of more than three-fifths. The Tošovský government was voted against by the Communists, the far right and the majority of deputies from the ODS.

In late February 1998 the Chamber of Deputies passed a single-purpose constitutional law shortening the electoral term and allowing early elections to be held by the end of June 1998. The law was not passed without contention, with critics pointed to the law’s possible unconstitutionality (though none of the deputies submitted any compliant to the Constitutional Court to take up the question). At the time, however, the one-time law represented a quick and effective solution, backed by the ČSSD, Communists, the far-right Republicans, the Christian Democrats and some Freedom Union deputies. The informal agreement that had opened the door to a vote of confidence for the Tošovský government a month before was now fulfilled.

The programme of the Tošovský government was limited, as it was not intended to last more than a few months. The government ‘merely’ wanted to continue with some of the measures that had been unveiled by the previous Klaus government, especially Czech integration into NATO and the EU. Precisely as a result of the government’s measures, however, the ČSSD’s positive relationship with the government quickly began to sour.

¹¹Poslanecká sněmovna, session of 27 January 1998, ‘Společná česko-slovenská digitální knihovna’, available at: <http://www.psp.cz/eknih/1996ps/stenprot/019schuz/s019007.htm>, accessed 31 May 2011.

A spark was supplied by the government's decision in March 1998 to raise some regulated prices by as much as a third over the summer, and quickly privatise state shares in a number of large enterprises. At the end of May 1998 the ČSSD reacted by passing a parliamentary appeal to Tošovský to dismiss Minister of Finance Ivan Pilip, who bore responsibility for these measures. The premier refused. In this manner the ČSSD, with its criticism of continuing privatisation and liberalisation of prices, was attempting to distance itself as much as possible from the Tošovský government as elections drew nearer.

An interesting phenomenon accompanying the government's term in office was the extraordinary public support it enjoyed. According to polls in February 1998 the government was approved of by half the population and Josef Tošovský was the most popular political figure. This was a reflection of society's growing mistrust in the political parties after long months of political crisis, and also the hope that a 'government of experts' would be more successful in solving the country's economic and other problems. Also, the typical phenomenon in the Czech Republic is that a new government not yet associated with any specific measures is almost always popular in the beginning (Institut pro výzkum veřejného mínění 1998).

In evaluating this government the role of the premier is undoubtedly the key. In comparison with the inter-war caretaker governments and Čalfa's semi-political governments of the early 1990s, as well as the government of Jan Fischer, Premier Tošovský played a very autonomous and active role in assembling and running the government. This was determined by several factors. First was the illness of President Havel which limited his political involvement. Second was the break-up of the ODS, which had previously been the largest political party; and generally the severe deterioration of relationships among the previous executive elite, including the problematic relationship between President Havel and former premier and head of the Civic Democrats Klaus. Thirdly, even before becoming premier, Tošovský was a quite well respected public figure and knew the political backstage very well. These factors were very important in enabling the premier to at least partially achieve his plans despite the leaders of the parties.

The context of formation of the Jan Fischer government

The fundamental reason for the fall of Václav Klaus's cabinet in 1997 was a combination of tension within the coalition and the government's lack of a stable majority in parliament. The same factors can be blamed for the political crisis that gave birth to another non-standard Czech government, the caretaker non-party government of Jan Fischer. Parliamentary elections in June 2006 again produced a political stalemate (Hanley 2006). The left, consisting of the Social Democrats and Communists, won exactly half of the 200 seats in the lower house of parliament. The centre-right and right-wing parties, the ODS and the two small parties KDU–ČSL and the Green Party, took the other half. The barriers at the time between the two blocs proved to be very high, and post-election negotiations dragged on. Václav Klaus, elected president in 2003, charged Mirek Topolánek, chairman of the ODS Klaus's former party and winner of the elections, with forming a government. At first Topolánek tried, in vain, to win a vote of confidence in the Chamber of Deputies for a one-party minority government consisting of the ODS. Finally, after a series of difficult negotiations, he put together a coalition government of the ODS, KDU–ČSL and the Greens. This government won its vote of confidence in January 2007 thanks to two deputies,

originally elected as Social Democrats, who absented themselves. It was these two deputies, who left the Social Democrats and formally became independent, upon whom depended the limited ability of the Topolánek government to accomplish its agenda.

The phenomenon of the ‘political tourist’ or ‘defectors’ had their predecessors back in the early 1990s, when some of the party caucuses displayed a low level of cohesion and this phenomenon continued to appear sporadically even afterwards. Soon after the 1996 elections, the Social Democrats saw the defection of two members, temporarily strengthening the position of the Klaus government; one of the defectors joined the ODS, the other remained independent. By the time of the Topolánek government the phenomenon of the defectors had taken on even greater importance. It was particularly discomfiting to two of the governing parties, the Greens and the ODS, from which several deputies ‘autonomised’ themselves. In practice this ‘self-emancipation’ usually did not occur through a sudden departure from parliamentary caucus or party membership, but instead took place in stages. During important votes these deputies would come out against the government line or would threaten to do so, placing the government’s proposals in jeopardy given the razor-thin margins in parliament.

One illustrative case was that of two Green Party deputies Olga Zubová and Věra Jakubková, who began to edge away from their party in the autumn of 2007. The two threatened not to support the budget for the following year, one actually carrying through on this. Over the next months the loyalty of the two deputies to the government coalition and their own parties continued to dissipate. In November 2008 Zubová and Jakubková left the Green’s parliamentary club; after they openly took part in founding an internal party faction, they were expelled from the Green Party. The origin of this ‘autonomisation’ of the two deputies lay in the party’s deep internal crisis. A number of ecologically radical and left-leaning party members did not like participating in the coalition with the ODS. However, they were unable to unseat party chairman Martin Bursík, who defended the party’s role in the government.

The phenomenon developed similarly in the ODS, where an internal conflict emerged in the aftermath of regional and senatorial elections in November 2008, as it did with the Greens, and with the weakening position of party chairman Mirek Topolánek. Topolánek faced strong opposition within his party and among the ODS deputies; his position was also undercut by the party’s one-time founder, Václav Klaus.¹² A trio of ‘autonomous’ deputies emerged led by former finance minister Vlastimil Tlustý, who accused the ODS of straying from its proclaimed principles.

The third coalition party, the Christian Democrats, seemingly appeared more homogeneous than ODS and the Greens, with only one deputy displaying low levels of loyalty to the coalition; however, this person did not leave the parliamentary club or the party. Here, too, sharp internal conflicts emerged that were the long-term result of factionalism within the party, and the latent crisis in leadership associated with the party’s search for the optimum tactics and ideological identity somewhere between the left and right

¹²Klaus was outspokenly critical of the choice of Topolánek going all the way back to 2002, when Topolánek replaced Klaus as ODS party leader. After the Topolánek government fell, Klaus, a master of pointed rhetoric, said ‘The government disappointed me absolutely; the government disappointed me with how it began to play the green card. The government fundamentally disappointed me with its behaviour towards the European Union … the government clearly shifted in its ideas, and seriously de-ideologised itself; I think everyone can see that this government was interested only in ruling and not in substantial matters’ (Klaus 2009a).

centre of the Czech party spectrum. The position of the party's chairman and vice-premier in the government Jiří Čunek was seriously damaged by his controversial statements about Gypsies, and accusations of corruption and illegal drawing of social benefits. The conflict among the Christian Democrats became fully visible in January 2009, when the top party leadership demanded the removal of finance minister Miroslav Kalousek from the government. Kalousek, a former chairman of party, was regarded as the main force steering the Christian Democrats to the right. The premier continued to support Kalousek, however, and instead demanded the resignation of Čunek, whose affairs had permanently tainted the government. Čunek did in fact resign as vice-premier. The KDU–ČSL paid the price for its internal disputes by splitting up, but only after the fall of the Topolánek government. In the summer of 2009 Kalousek along with several other prominent members broke away to found a new party, TOP 09 (Havlík 2010).¹³

The erosion of its backing in parliament threatened the position, stability and effectiveness of the Topolánek cabinet, and the premier gradually lost his ability to manage the various divergent tendencies in the coalition. At the same time the opposition started trying to bring the government down. The main opposition ČSSD chose a strategy of all-out attack on the government and its policies. In 2007 and 2008 there were four unsuccessful votes of no confidence. The ČSSD finally succeeded in bringing down the government on the fifth attempt, at a time when the Czech Republic held the presidency of the EU in the first half of 2009.¹⁴ The immediate impulse for the no confidence votes was, according to ČSSD chief Jiří Paroubek, the 'mafia practices' of the premier, who was said to have interfered in the independence of the media and in police investigations.¹⁵ This interference was supposed to have been on behalf of one of the other ČSSD 'turncoats' who was working with the government, and who was suspected of loan fraud. On 24 March 2009 the Topolánek government lost a vote of no confidence by the slimmest of margins of a single vote. Voting against the government were the deputies of the Social Democrats and the Communists, and two defectors from the ODS, Vlastimil Tlustý and Jan Schwippel, and former Greens Olga Zubová and Věra Jakubková.

In seeking a solution to this situation Mirek Topolánek argued for a scenario where the president would again charge him with setting up another government. Due to the personal animosity between the two men, however, this was not a realistic alternative. Topolánek was concerned that Klaus, after the pattern adopted by Havel in 1998, might name his own premier who would not have solid backing in parliament, but would administer the government until early elections. A week after the fall of his government, the outgoing premier expressed support for the idea of a government composed of non-partisan ministers. It would run the country temporarily until early parliamentary elections could be held, and would be blessed by a broad consensus of the parties in parliament.¹⁶ Jiří Paroubek was the first to come forward with this solution; this was after President Klaus rejected the Social Democrats' offer to allow the Topolánek government to rule until after the end of the Czech EU presidency, and then put together a caretaker government that would lead the country until early parliamentary elections.

¹³TOP 09 is an acronym for the Czech words *Tradice, odpovědnost* and *prosperita*—Tradition, Responsibility and Prosperity.

¹⁴For more on the Czech presidency see Kaniok (2010) and Kaniok and Smekal (2009).

¹⁵Lidové noviny, 18 March 2009.

¹⁶Právo, 1 April 2009.

From the beginning of the government crisis, the president was actively involved in trying to deal with it, laying out boundaries for the political parties, and in a certain sense trying to take the initiative. However, the two big parties ODS and ČSSD banded together to resist this pressure, and decided to come forward with their own joint solution that the president could not refuse. In this way they regained control of the situation. This cooperation against the president based on fear of his activism was a new element compared to the Tošovský cabinet's behaviour and the older Czechoslovak practice. This consensus was all the more remarkable if we recall the previously bitter relationship between the ODS and ČSSD, and especially between their leaders. The chosen solution—a government of experts—nevertheless continued clearly in the spirit of 1998: it was formed to bridge the pre-election period and leave the political parties free to move on. The idea of forming a non-partisan cabinet cropped up in political circles immediately after the fall of the government, and all that was lacking was a way to put it together. Actually, the idea of a non-partisan government as a suitable 'bridge' to early elections had been mentioned by the chairman of the ČSSD even before the vote of no confidence in the Topolánek government.

Forming the Fischer government, and the vote of confidence

In forming the new government, the two big parties ODS and ČSSD played far stronger roles than they had in assembling the Tošovský cabinet, while the smaller parties, president and even premier-designate Jan Fischer all found themselves with diminished roles.

The name of the new premier came up relatively early in the debates among those involved during the first week of April 2009. Working to Fischer's advantage was his non-party origin; like Tošovský, Fischer was an economist by trade. He had spent his career as a statistician, producing prominent research in that field. In 1993 he became vice-chairman of the Czech Statistical Office, and after a short interval elsewhere he became its chairman in 2003. He did not belong to any party; nor did his membership of the Communist Party before 1989 block his nomination.¹⁷ Fischer was immediately supported by Mirek Topolánek,¹⁸ who cited Fischer's professional and language skills, his knowledge of how the government worked stemming from his participation in meetings of the government as chairman of the statistical office, and his experience in running a large state bureaucracy. In the context of the Czech presidency of the EU, Topolánek also praised Fischer's ability to 'move within the EU with absolutely no problem'.¹⁹ Fischer was acceptable to the ČSSD and to the Greens as well, who unlike the Christian Democrats decided to support the new government.

Fischer was named as premier by the president on 9 April 2009, but it took another month to form the government. The nomination of ministers to Fischer's government was the result of agreements and consultations that took place beginning in late March between the ODS, ČSSD and the Greens. Members of the government were to be only non-partisan specialists, but nominated by these three parties. The dominant role was played by the big parties: the

¹⁷Previous Communist Party membership had not prevented the nomination of Tošovský in 1998 either.

¹⁸It is a minor mystery who exactly brought up the name of Jan Fischer first. Topolánek made a vague statement to the effect that it was 'someone from the coalition'. In response to a direct question Fischer replied, 'I don't know. I have no yearning to stroll through the misty political garden and see the light there. I didn't ask Mirek Topolánek either' (*Mladá fronta Dnes*, 7 May 2009).

¹⁹*Mladá fronta Dnes*, 11 April 2009.

ČSSD supplied eight members of the government and the ODS six. The Greens supplied just two ministers. Unlike Tošovský, Fischer did not intervene in the nomination process. He did attempt an independent initiative in filling some of the ministries, but his attempt at achieving more independence was unsuccessful.²⁰ On the contrary, it was the parties that held all the cards in assembling a government, and in determining its programme statement.

The chosen ministers were nevertheless (at least formally) specialists or bureaucrats without party affiliation, and not ‘classic’ politicians. Typically they were first secretaries (such as Eduard Janota at the Ministry of Finance) from the individual ministries (five of them), or heads of state enterprises and institutions (six of the nominated ministers). The effort to maintain the ‘non-partisanship’ of the government was seen in the case of First Secretary of the Ministry of Foreign Affairs Jan Kohout, who was a Social Democrat. He ended his party membership in May 2009 so he could become minister. Nevertheless it was Kohout, along with Minister of the Interior Martin Pecina, also nominated by the Social Democrats, who proved to be the most politically exposed member of the cabinet.

Fischer, in his speech before the vote of confidence in parliament, clearly stated that his government would be a caretaker government with a strictly limited mandate:

(...) this government is not a classic cabinet in the political sense. It is not a cabinet of parties or a coalition of parties. It is a team made up of specialists, albeit nominated by the parties, and headed by a completely non-political premier. Therefore the task of the government is not the achievement of a political programme, but quality, non-partisan, and insofar as possible politically neutral administration of the country ... besides the state budget for next year, it will endeavour only to complete the legislative process with those laws which are of fundamentally technical nature, or enjoy support across the political spectrum.²¹

In its very short programme statement the government basically committed itself only to administer the bureaucracy, see out the Czech Republic’s EU presidency, and of course take steps to revive the Czech economy, a logical priority at a time of global economic recession. The caution of the programme statement was also seen in a traditionally sensitive area: privatisation. The government promised to continue preparing for the privatisation of some state enterprises, but not to make any final decisions, which would be carried out by a subsequent government formed after elections.

The Chamber of Deputies gave its vote of confidence to the Fischer government on 7 June 2009. The government won the support of more than three-fifths of the deputies, even more than the Tošovský government achieved in 1998. The coalition’s support came from the Civic and Social Democrats, the Greens and a few Christian Democrats. The Communists and most of the Christian Democrat deputies abstained.²²

Once installed, the Fischer cabinet showed exactly why a caretaker non-partisan government is seen by the political elites as a suitable instrument for dealing with

²⁰A certain exception might be the post of minister of finance, where the ODS was unable to seat its original preferred candidate. In the end Fischer chose deputy minister Eduard Janota for the post. Although Janota, who was widely respected by the public, was formally nominated by the ODS, it is interesting that ČSSD chief Jiří Paroubek also claimed to be behind the nomination.

²¹Poslanecká sněmovna, session of 7 June 2009, ‘Společná česko-slovenská digitální knihovna’, available at: <http://www.psp.cz/eknih/2006ps/stenprot/058schuz/58-1.html>, accessed 31 May 2011.

²²The split voting by the Christian Democrats was a symptom of their parliamentary club’s disintegration. The official instructions of the KDU–ČSL from the then-chairman Cyril Svoboda were to abstain.

unexpected crisis situations. The context in which the government was formed differed in some aspects from the situation in 1998. The previous government had been brought down by a no-confidence vote, for the first time in the history of democratic government after 1989. The attitudes of the individual actors had also changed since the time of the Tošovský government. The ODS and ČSSD had taken the lesson from their experience with the Tošovský government that it pays to be engaged directly in the process of creation of a transition government; instead it is better to be involved in assembling it and ushering it into power. Thus they succeeded in pushing aside two other major actors—President Klaus and Premier-designate Fischer. The result, paradoxically as it would seem, was a less political and more technocratic profile than the Tošovský government. In the case of the Fischer government we can speak of a ‘purely’ non-partisan cabinet, which was much closer to the inter-war tradition of the Černý and Syrový governments than the semi-political Tošovský government. It must be kept in mind, however, that the governments of 1998 and 2009 were both administrative governments designed to bridge the critical period before elections.

The forced extension of the Fischer cabinet; or, the winding path to elections

According to the original agreement among the parties, the Fischer government was to end after early parliamentary elections that were to be held in the fall of 2009. The political party leaders, with the agreement of President Klaus, postulated that the path to early elections would be the same as that of 1998: that is, the adoption of a special constitutional law to shorten the period for which the Chamber of Deputies would be elected. In May 2009 this law, calling for elections in October 2009, was passed by both chambers of parliament, and subsequently signed by the president. The political parties began their election campaign, and the Fischer government prepared for its planned, managed departure.

The situation was unexpectedly complicated by one of the defecting deputies, former Social Democrat Miloš Melčák, who was the first deputy to become a ‘political tourist’ after the 2006 elections (by supporting government proposals in the House of Deputies), and was also the only deputy to vote against the Fischer government on the vote of confidence in June 2009. Now he submitted a constitutional complaint against the law shortening the electoral term. On 1 September 2009 the Constitutional Court set aside the president’s decision to call elections, which Klaus called ‘unexpected, unprecedented, and insensitive’ (Klaus 2009b). Ten days later the court pronounced the one-time ‘self-dissolution’ constitutional law to be unconstitutional.²³

Before the Constitutional Court’s decision on the one-time law, the leadership of most of the parties, including the ODS and ČSSD, had agreed on a general change in the constitution that would allow the Chamber of Deputies to be dissolved with the agreement of a three-fifths majority of all deputies. The constitutional law to that effect, the need for which had long been discussed, had lain dormant for several years in the Chamber of Deputies; but after the Constitutional Court decision it was revived and passed within a matter of hours by both the upper and lower chambers of parliament. But then the path to early elections was blocked by the decision of ČSSD chairman Paroubek, who now rejected the idea of calling early elections, literally overnight on 15 September 2009. Paroubek officially justified this

²³There is insufficient space to debate the reasons for this extraordinary intervention by the Constitutional Court in the workings of the Czech political system. We simply note that besides the criticism of most of the political community and many specialists, two of the 15 justices on the Constitutional Court also dissented.

by saying that the law on early elections would again be opposed by the Constitutional Court (Balík 2010a, pp. 64–65). Unofficially it was speculated that the ČSSD was in so much financial trouble that its election campaign would be crippled, and that the party was concerned about its declining electoral support. Given the balance of forces in the Chamber of Deputies the new dissolution of the chamber could not be passed, and no vote was even held.

The elections were now pushed back to the regular term at the end of spring 2010, markedly altering the Fischer government's prospects. After early elections were ruled out, the previously uncontroversial, minimalist government programme began to take on new, political dimensions. This became clear especially in the area of economic policy, the budget and proposed measures to revive the Czech economy.²⁴ The Social Democrats and the Communists along with deputies from the KDU–ČSL pushed through major revisions of the 2010 budget and deepened the deficit, partly breaking up the so-called Janota package, named after the Minister of Finance. This package was a set of restrictive and stimulatory economic measures designed to ease the budget deficit and stimulate growth in a Czech economy burdened by recession. In reaction to this defeat the finance minister offered his resignation, and the ODS even called on the premier to consider whether the entire cabinet should step down; nevertheless the affair produced no direct changes in personnel.

In this situation President Klaus gave his full backing to the government. The political parties, with the exception of the Communists, agreed the government would remain in office. The main argument for maintaining the Fischer government was the realisation across the political spectrum that there was no alternative to this government prior to the elections, and that any vote of no confidence in the government would be a mere formality.

Another corollary to the postponed elections was the heightened interest on the part of both the big parties in the government, its agenda and who was holding office. The ODS began to demand the removal of some of the ministers nominated by the ČSSD, particularly Minister of the Interior Martin Pecina. The ČSSD called, somewhat less shrilly, for the resignation of Minister of Justice Daniela Kovářová. Both of the big parties escalated their attacks on one another in the media in preparation for the spring 2010 election campaign. In the new situation it could no longer be said that the Fischer government ruled with the support of the parties that had nominated its individual cabinet members. The government was forced to seek support *ad hoc* across the parliamentary factions, and practically ceased to enjoy any significant political backing. The result was the virtual abandonment by the government of any significant agenda or claim to effectiveness. Only the Greens withdrew their support officially, in March 2010, having criticised the government for alleged tendencies toward corruption and insufficient respect for ecological issues.

Despite its weakening position, the Fischer government was regarded positively by the Czech public until its mandate came to an end. The reasons were little different from those relating to the experience of the Tošovský government: a combination of aversion to the political parties, faith in the professionalism of the government, and last but not least the likable personality of the premier. It was slightly ironic that as the government's powerlessness increased so did its popularity. According to the Public Opinion Research Centre, nearly three-quarters of respondents approved of the Fischer government in April

²⁴It was to be expected that these steps would be controversial in the situation in which political parties were anticipating parliamentary elections in the spring of 2010, for in Czech party politics the long-term most important right-left cleavage is defined in terms of social and economic policy (Hloušek & Kopeček 2008).

2010, compared with only slightly more than half when it took office in June 2009 (Centrum pro výzkum veřejného mínění 2010b). This paradox was evidently due to the premier's ever more visible and publicly popular distance from the political classes, along with an increasing perception of the government as a body standing outside and actually 'above' the parties. For comparison we might add that the Topolánek government after its vote of no confidence had the approval of only one-fifth of respondents, not that its approval ratings had ever been much higher (Centrum pro výzkum veřejného mínění 2009). The Fischer government was popular despite the fact that a number of its ministers were totally unknown to the public (Centrum pro výzkum veřejného mínění 2010a). It represented a sharp contrast between the positive general image of a 'government of experts', the individual members of which were little known to the public, and the situation in which very prominent party elite members viciously attacked one another, and were consequently despised by the public.

The political configuration in the Fischer government's final months caused a change of atmosphere. This had an interesting effect on the elections in late May 2010 in the form of a climate of dissatisfaction with the traditional political parties, especially the strongest ones, the ČSSD and ODS. The phenomenon of a changing social atmosphere was perhaps best demonstrated by a very popular appeal called 'Let's Change the Politicians'. This movement, spreading especially by the internet, was supported by a number of popular artists; it was particularly heeded by younger voters, and became an impulse for the appearance of new political parties. Fischer's government unintentionally became one of the tiles in the mosaic that contributed to the dramatic electoral changes of 2010, which even further altered the Czech party spectrum.

Conclusion

The tradition of non-partisan and semi-political governments in the Czech political system has shown a surprising durability despite the twentieth century's democratic discontinuity. Inspiration for the creation of the Tošovský government can be found not only in the early 1990s but much further back. As we have shown, we can find differences among the examples of such governments stemming mainly from the differing social and political contexts which gave birth to them. The Czech Republic at the end of the twentieth and beginning of the twenty-first centuries faced no external or internal threat of the kind that loomed over most of the inter-war caretaker governments. The Tošovský and Fischer governments did not have to fight for the survival of the state, but were only created to guide the country towards early elections. In this sense they fulfilled the same purpose as the majority of caretaker governments in Western Europe. Likewise, both the Čalfa governments were formed at a historically unique moment at the end of the Communist dictatorship, when the foundations of a democratic regime were just being built, and at a moment when a new party system was being born as well. The role of political parties in both the Čalfa governments therefore could not be the same as under conditions of everyday democratic politics. In the end it is undoubtedly true that although Fischer's non-partisan government differed in character from the semi-political Tošovský government, there is a clear link connecting the two. In 2009 the political elite, almost automatically, reached for the similar solution that had been used in 1998. For the Fischer government the main inspiration was clearly not provided by fading memories of the First Czechoslovak Republic or the half-forgotten episode of the transition to democracy, but the much fresher experience of a decade before.

Instead, we can regard Fischer's cabinet as consciously based on the precedent of Tošovský's government; moreover, the idea of such a government stayed alive even during the period between these two non-standard governments. This can be seen for example in above-mentioned statements by ČSSD chief Jiří Paroubek on the usefulness of such a government, which he made long before the defeat of Topolánek's government and the installation of the Fischer cabinet. The situation from 2005 also comes to mind. After the fall of the Social Democrat Premier Stanislav Gross, his party at first proposed the creation of a semi-political government composed of ministers from the existing coalition and other experts (Havlík 2011). In the end the party chose Jiří Paroubek to continue with the existing coalition.

Besides the differing contexts, there are interesting differences among the non-standard governments in the behaviour and roles of the individual political actors. In the case of the Tošovský government the president played a key initiating role, as presidents did in the inter-war situation and the early 1990s. Paradoxically, the conditions under Czech parliamentary democracy resembled the practice of some semi-presidential regimes, in which the president is behind the formation of technocratic governments. Crisis situations and divisions among party elites handed the Czech president an opportunity to at least partially influence the composition of the government. Part of it was Havel's extraordinary personal authority; another part was the Czech/Czechoslovak tradition in which the presidency has an importance far surpassing its supposedly ceremonial role. But even Havel, if he wanted support in parliament for 'his' government, was obliged to observe the strict time and content limitations on the government mandate, and gain the support of some of the minor parties as well. We must also remember that the context of the Tošovský government's formation and its semi-political status gave the premier a relatively large room for manoeuvre in assembling his government compared to the premiers of caretaker governments between the wars, as well as the Jan Fischer government.

In the case of Fischer's cabinet, the premier and the president were pushed aside during its formation, or played much more of a static role in its initiation. In this sense it can be seen that past lessons were learned by the big parties ODS and ČSSD, which this time were determined to play a much more active role. Premier Fischer was unable to influence who would be chosen to fill the individual offices and President Klaus, after being active at the beginning, soon found himself sidelined as well. The involvement of the two large parties, and their efforts to counter one another while at the same time not being tied down by having to govern prior to elections, gave the Fischer cabinet much more of a technocratic and non-partisan character. This contrasted with Tošovský's semi-political government, which was made up of both experts and politically prominent ministers. This definitely does not mean that the Fischer cabinet was outside the reach of party influence: the parties, and especially the Social Democrats and Civic Democrats, were not in a position to control the government directly, but they had firmly staked out the area within which it could manoeuvre. As we have described above, this room for manoeuvre was significantly smaller than that enjoyed by the Tošovský government. However, this does not change the overall fact that in both cabinets during the era of an independent Czech Republic we can speak of conscious and deliberate limits on their duration, and the content of their agendas. A remarkable though minor similarity was the explicit emphasis by both cabinets on the agenda connected with the EU, whether in the form of continuing discussions on EU entry in 1998, or the Czech Republic's EU presidency in 2009.

A final note concerns what importance the past might have for the future. At the time of their founding the Tošovský and Fischer cabinets were seen by the majority of the Czech elites as a way out of the crisis of party government. In this sense, current Czech politics continues in the tradition of the First Republic, or the even older Austro-Hungarian tradition which the Czech system in a certain sense grew out of. As shown in the unrealised ideas of the political elites prior to the Fischer cabinet, and of course by that government as well, the non-partisan cabinet as a temporary solution to a political crisis is firmly anchored in the minds of Czech politicians, and has become a permanent part of their repertoire. This also applies to the Czech media and public, which—as between the world wars—have become accustomed to similar solutions. It is therefore likely that given the continued instability of party government, more cases of non-standard governments will continue to appear in the future.

Masaryk University

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