

## INTRODUCTION

After the collapse of state socialism many new democracies in Eastern Europe and the former Soviet Union opted for semipresidential constitutional arrangements. While the different attributes of presidential and parliamentary systems and the consequences of choosing between these two alternative constitutional frameworks have been extensively discussed, the effects of so-called “hybrid” or semipresidential institutions on the quality of democratic governance are less understood. Until recently the theoretically driven study of semipresidentialism in the context of consolidated democracies has been largely confined to the experiences of the French Fifth Republic (Duverger 1980). Several important theoretical propositions about the qualities and characteristics of the political process under a semipresidential constitutional framework have lacked systematic testing due to the scarcity of semipresidential experiences in democratic political regimes (Shugart and Carey 1992, Stepan and Suleiman 1995). The available data has also promoted skepticism about the institutional distinctiveness of semipresidentialism. Several scholars have argued that semipresidential regimes or regimes with dual executive are mainly characterized by alterations between parliamentary and presidential modes of operation rather than by a distinct or separate institutional logic (Lijphart 1992, Linz 1994).

At the same time, semipresidential constitutions are sometimes viewed as institutional solutions to particular problems. Shugart and Carey (1992) argue that a certain type of semipresidentialism can make executive-legislative relations less conflictual, ensure more constructive legislative assemblies, and increase the efficiency of the electoral vote. Lijphart, Rogowski, and Weaver (1993) see the principles of semi-

separation of powers and power-sharing executives as key mechanisms for cleavage management.

The proliferation of semipresidential regimes and the richness of institutional variation in the postcommunist world provide ample empirical material and an important additional stimulus for studying semipresidentialism. The experiences of new semipresidential democracies receive an increasing amount of attention in the literature. Several new volumes have been designed as collections of individual case studies (Taras 1997, Elgie 1999). They offer both the detailed empirical analysis and important theoretical arguments. Due to their specific format these studies focus on examining the various properties of individual cases rather than on testing some general propositions.

This dissertation contributes to the study of semipresidential regimes by formulating and testing several hypotheses about the effects that the constitutional choice of semipresidentialism has on political process in new democracies. The study's major interest is two-fold. The first goal is to examine how the variation in semipresidential constitutional norms and in party organization in parliament affects the functioning of major government institutions: the presidency, the legislature, and the cabinet. I introduce a multiple principal-agent analytical framework to explain the patterns of interactions among political actors who comprise these institutions. The second major goal is to understand how the institutional interactions under semipresidentialism affect the design and operation of the public bureaucracy. The existence of a direct link between the organization of "grand" institutions and the character of public administration is one of the most intriguing hypotheses in the contemporary literature on the constitutional regime types (Moe and Caldwell 1994).

As the growing body of research shows, the variation in post-communist semipresidential constitutions adopted in several countries of the region reflects the differences in distribution of political power among different political groups in countries of our interest at the time of constitution making (Frye 1997; Elster 1998). Our knowledge of how semipresidential institutions have been put in place is more extensive than our understanding of the effects of these institutions on political process in transitional societies. This research is primarily concerned with contributing to a body of literature dealing with the latter problem.

The answers to the following questions are important in the context of both transitional and consolidated democracies. Does a semipresidential constitutional framework help to avoid the executive-legislative deadlock that often impairs the functioning of presidential regimes? Is cabinet formation and cabinet stability in semipresidential regimes facilitated by the fact of presidential participation in the choice of the cabinet? What determines whether patterns of cooperation or confrontation prevail in intraexecutive relations under semipresidentialism? Does the choice of semipresidentialism entail certain choices with regard to democratic polity's administrative design? Does the semipresidential constitutional setting come in a "package" with a specific structure of public bureaucracy?

The patterns of interaction between the president and legislature in the process of the cabinet formation and the cabinet's stay in office are the research focus of the first part of the dissertation (chapters 1-3). The cabinet is a focal point of governance in semipresidential democracies and we need a better understanding of its origins, operation, and survival. Many cabinets in new semipresidential democracies lack any

party affiliation. The undeveloped party systems impose only minor constraints on these cabinets' behavior in office. Given the technocratic rather than political nature of many postcommunist cabinets, specific conceptual tools are borrowed from organizational theory to explain the interests and motivations of politicians in cabinet.

The second part of the dissertation (chapters 4-5) analyzes how the semipresidential constitutions shape the motivations of politicians in the dual executive to conduct the administrative restructuring of the central government. The restructuring of executive institutions, which is a major component of public administration reform, is a high priority on the reform agenda in postcommunist countries. The choice of "grand" institutions - the constitutional design of executive, legislative, and judicial branches - is expected here to have a profound effect on how the public bureaucracy is organized and managed. The first and second parts of the dissertation are linked by a hypothesis of a close relationship between the design of constitutional framework and the structure of public bureaucracy.

A political regime is defined in this research as semipresidential if it meets classical Duverger criteria: (1) the president of the republic is elected by universal suffrage; (2) he possesses considerable executive powers; (3) there is also a prime minister and ministers who possess executive and governmental powers and can stay in office only if the parliament does not show its opposition to them (Duverger 1980). While these characteristics differentiate semipresidential regimes from 'ideal' presidential and parliamentary regimes, they obviously do not capture the differences within the category of semipresidential regimes. Following Shugart and Carey (1992), it is hypothesized here that the variation in presidential constitutional powers over cabinet

is of major theoretical importance for understanding government performance in semipresidential regimes.

Duverger's first and third criteria for classifying regimes as semipresidential are self-explanatory. The second element is rather unspecified since the term "considerable powers" can refer to the different power attributes of presidency. Shugart and Carey (1992) build their distinction between president-parliamentary and premier-presidential regimes namely on a more sophisticated understanding of the potential variation in how much power the president has over the cabinet. Premier-presidentialism, according to the authors, is characterized by a rather limited role of the president in the cabinet and over other types of appointments: the president may have the power to nominate a prime-minister and individual ministers for parliament's confirmation but he lacks the power to dismiss the whole cabinet or individual ministers.

President-parliamentary regimes, on the other hand, award greater control of the cabinet to the president: the latter has the power to appoint and dismiss the prime-minister and cabinet ministers unilaterally. The parliament under this constitutional arrangement has also the right to dismiss the cabinet. Shugart and Carey do not include the constitutional regimes where presidents need parliaments' approval for the appointment of cabinet and only have the right to dismiss into the category of president-parliamentary regimes explicitly (Portugal 1976 in their analysis). However, I will consider such regimes, which grant to the president and parliament symmetrical powers in cabinet appointment and dismissal, as president-parliamentary regimes.

Among the specific cases discussed in this research, the formal symmetry of the presidential and parliamentary power to appoint and dismiss cabinets characterize

constitutional documents adopted in Russia, Ukraine, and Kazakhstan<sup>1</sup>. A premier-presidential constitutional framework has been in place for a significant period of time in Bulgaria, Lithuania, Moldova, Poland, Romania and Russia (1991-93). The data from these two groups of countries constitutes the empirical basis of this research. Neither the president-parliamentary nor the premier-presidential set of cases analyzed in this study encompass all the relevant cases found in the postcommunist region. The availability of data and the existence of at least a moderately developed democratic setting influenced the choice of cases for this research.

The first chapter of the dissertation tries to develop a better theoretical understanding of how semipresidential institutions function. It does so by constructing the ‘ideal’ semipresidential setting and examining how changes in the underlying assumptions affect the strategies of political actors involved. The term ‘ideal model’, is used here in a Weberian sense: as an analytical tool which helps us to understand major concepts and underlying relationships, and not as an instrumental device which accounts for the empirical complexity of phenomenon under the investigation.

The major claim here is that by examining the interactions among the legislature, presidency, and cabinet through the prism of a multiple principal-agent organizational model, we can account for the patterns of competition and cooperation among different governmental institutions in semipresidential regimes. Although numerous principal-

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<sup>1</sup> Russia after 1993 is often described in the literature as a “superpresidential” political regime (Fish 2000). A huge bureaucratic apparatus of executive power, a rule by presidential decrees, formal and informal presidential control over other branches of government and public expenditures are all described in the literature as indicators of superpresidentialism. Fish and other authors essentially rely on sociological categories to describe the political regime in Russia. In classifying Russia as a semipresidential regime, I rely on the formal constitutional criteria proposed by Duverger. For the purposes of my analysis of the effects of formal constitutional framework, it is important that the Russian constitutional arrangement meets the Duverger criteria and thus fall into the category of semipresidential regimes.

agent links characterize any constitutional setting, the political “triangle” created by the president, parliament and cabinet is central for our understanding how the operation of government in semipresidential setting differs from the functioning of government in presidential or parliamentary regimes. The focus of the research is on the political identity of the cabinet and on the cabinet’s relationship with the president and the parliament. When cabinets lack an unambiguous political identification and party affiliation, which is the case in more than fifty percent of the East European semipresidential cabinets formed between 1990-99, the formal constitutional procedures may assume even larger prominence in structuring political actors’ behavior.

The constitutional norms specifying the organization and functioning of the executive are conceptualized as the “terms of the contract” which regulate how cabinets are selected and how their performance is monitored. Both the president and the parliament, which jointly appoint the cabinet and have various monitoring and sanctioning powers, are the principals of the cabinet. Their political interests may be in conflict and their preferences with regard to cabinet identity and cabinet performance may differ. The contract details - the exact specification of constitutional norms – are the essential guidelines for understanding the strategies that the principals are likely to pursue with regard to each other and with regard to their common agent, the cabinet.

Cabinets in semipresidential regimes find themselves in a precarious situation. They face the principals, the president and the legislature, who may be rivals trying to ensure the cabinet’s compliance with their distinct objectives. Since the principals’ objectives often contradict each other, the cabinet’s pursuit of either principals’ goals may hurt the interests of the other principal. Both principals have various means to screen

the agent's behavior and sanction the cabinet's non-compliance. Constitutional provisions regulate how the principals can sanction the cabinet. Constitutions also specify which of the principals has the control of ultimate sanction against the cabinet, the cabinet dismissal. It is argued in this research that the distribution of sanctioning powers among the principals is a single most important predictor of cabinet behavior vis-à-vis the president and the parliament.

The likely lines of the institutional conflict can also be anticipated from the analysis of the cabinet's motivation under the different types of semipresidentialism. Depending on the strategies that the cabinet will take vis-à-vis its principals, the president-parliamentary divide in semipresidential regimes can be channeled along the alternative lines. When the president secures the loyalty of the cabinet, the "united" executive faces the parliament and the major institutional divide lies between the dual executive and the legislature. When the parliament controls the cabinet, intraexecutive conflict is likely to follow. The latter is characterized by political competition between the president and the cabinet over the control of the executive branch of government.

Conceptualizing the relationships between the president, the parliament, and the cabinet in terms of the multiple principal-agent model helps to elucidate why some institutional alliances are more likely than others, why the cabinet is not in the same structural position as the president and the legislature, and why the cabinet's ability to act independently is more limited than it is usually perceived. Emphasizing the constitutionally established patterns of superiority and subordination among the principals and agents helps also to generate a set of testable hypothesis about the nature of political outcomes under semipresidentialism. Each of the following four chapters is



devoted to the formulation and testing the distinct hypotheses derived from the analysis of variation in the presidential and parliamentary powers over the semipresidential cabinet.

Chapter 2 discusses how semipresidential institutions systematically affect the process by which prime ministers and cabinets are selected. What determines whether a candidate closer to the president or parliament's ideal point will become the prime minister? The issue is especially controversial when the president and the legislature belong to different political camps. Even when the president and the legislative majority are of the same political orientation, the choice of prime minister is not a trivial issue since the preferences of the president and the legislature over the cabinet can differ substantially.

A spatial model of cabinet formation is discussed at the beginning of the chapter. The predictions about the likely identity of cabinets are derived first from the formal specification of a cabinet appointment game and then are tested across all cases of the cabinet formation in the postcommunist semipresidential regimes between 1991-1999. The chapter concludes by examining how the analysis of institutional factors other than immediate cabinet appointment-dismissal norms can contribute to our understanding of the outcomes of the cabinet appointment game.

Chapter 3 examines whether the distribution of cabinet dismissal powers between the president and the parliament correctly predicts the type of institutional conflict that characterizes a given semipresidential regime. Conflict between the dual executive and the legislature is expected to be more likely in semipresidential regimes with constitutionally stronger presidents, while intraexecutive competition is more likely to

take place in semipresidential regimes with constitutionally weak presidents. An answer is also proposed to the question of why premiers, who at the moment of cabinet formation were perceived as presidential confidants, later engage in conflict with the president and ally with the parliament.

The implications of a multiple principal-agent setting for cabinet stability in semipresidential regimes are discussed in the second part of the chapter. Institutional conflict is shown to be associated with the high rate of cabinet turnover. Descriptive statistical analysis are employed to analyze the variation in cabinet stability across the president-parliamentary, the premier-presidential and parliamentary regime types.

The second part of the dissertation (chapters 4 and 5) offers an analysis of the impact that the constitutional system of dual executives has on the design of the central government bureaucracy. Reforming the state administrative organization has recently become a priority on the reform agenda of the postcommunist countries. Enhancing the effectiveness and efficiency of state institutions is believed to be a necessary condition for achieving sustainable growth and equitable democracy. The efforts to restructure the organization of the central government are an important part of the administrative reform plan.

One of the consequences of the dual executive design is the cumbersome structure of bureaucracy. Semipresidential regimes are likely to produce cumbersome bureaucratic structures as a byproduct of the clash between the president and the cabinet. The rationality of the internal organization of both the cabinet and the executive agencies

suffers from the competing claims on public bureaucracy and government resources on the part of the president and the premier.

Chapter 4 examines how the variation in the level of intraexecutive conflict influences cabinet restructuring in president-parliamentary regimes. I use a comparative case study analysis methodology in this chapter in order to compare how successful central government reform has been in Russia and Ukraine. The key argument of this chapter is that the president in the president-parliamentary regime, unlike the president in the “ideal” presidential system, is much less interested in the efficient organization of government, since the economic rationalization of the central government structure necessitates the concentration of executive powers in the hands of the premier and the cabinet. Presidents in president-parliamentary regimes ultimately distrust premiers. For a variety of policy and electoral reasons, maintaining personal control over the cabinet is important for the president. Those presidents who are regularly embroiled in conflict with the premier will try to retain control over the executive through contesting the appointment of individual ministries, creating new executive agencies and staffing them with his political clients, and supporting functionally obsolete executive agencies which cater to his political needs. Premier-presidential regimes are expected to face similar type of difficulties in dismantling the Soviet-type central public administrations.

Chapter 5 compares the success of cabinet restructuring in premier-presidential and parliamentary regimes of Eastern Europe. Data on cabinet size across the countries of the region are collected and organized into a time series cross-section data set. A statistical regression model is then introduced to test the impact of a set of political variables, including the regime type variable, on the variation in cabinet size across

postcommunist countries. Chapter 5 also provides an analysis of longitudinal trends in cabinet organization across the regime types. Semipresidential and parliamentary regimes are compared over time in their ability to reduce the cabinet size and to adopt functional instead of sectoral principles of ministerial organization. The cases that have extreme values on the restructuring success variable are examined in greater detail.

As this introduction shows, understanding the effects of semipresidentialism is the objective that connects all chapters of this research. Each of the chapters, however, has its specific focus or, in methodological terms, has its own dependent variable. The research strategy employed was to include the variation in the regime type as an independent variable along with other independent variables to seek the explanations for the phenomena addressed in each individual chapter.

## **Chapter I**

### **The Multiple Principal-Agent Model of the Semipresidential Constitutional Framework**

The choice of constitutional system with dual executive leads to patterns of executive-legislative relations that are different from the types of executive-legislative relations found in either presidential or parliamentary political regimes. This chapter argues that study of superiority and subordination patterns produced by the hierarchical organization of government can help distinguish some major regularities in the seemingly cumbersome institutional relationships of semipresidentialism. Principal-agent analysis (Moe 1984) provides one possible theoretical grounds for developing a model of “ideal” semipresidential institutional framework, and for examining the existing semipresidential regimes found in countries of Eastern Europe and the former Soviet Union.

First, I discuss how multiple-principle agent model helps to structure interactions between the president, the legislature and the cabinet. Second, I examine how the bargaining game between the president and the legislature over choice of cabinet is influenced by constitutional framework. Third, I develop a set of hypotheses about how the variation in constitutional norms affects cabinet stability, cabinet loyalty, and forms of institutional conflict under semipresidentialism. I conclude by formulating several propositions about the effect of semipresidentialism on public policy design.

### **Multiple principal-agent model of semipresidential institutional relationships**

In their book on European politics, which also covers new democracies in Eastern Europe, Lane and Ersson (1996) focus on political parties as the main political players that provide the cabinets of the European governments. Yet, in Eastern Europe and the former Soviet Union, parties were not the only major players and, sometimes, they were not even major players. The 1990s in Eastern Europe can be characterized as a decade of political entrepreneurs who quite often lacked organized political support and meaningful political affiliation. As a result, presidents and prime ministers have persistently employed entrepreneurial strategies which call for an individual-centered analysis.

Interactions between the presidency, the cabinet and the legislature occupy the center of the political scene in semipresidential regimes.<sup>2</sup> The existence of a number of alternative ways in which these political actors relate to each other seemingly produces confusion about the lines of accountability and responsibility, the chains of command, and the patterns of hierarchical control. These confusions are usually attributed to the ambiguities of semipresidential constitutions.

Several attempts to unpack this complicated set of relationships among the above-mentioned political actors and the institutions they represent take as their point of departure the search for empirical regularities. Regularities are sought in patterns of two-

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<sup>2</sup> The ways in which judicial system in general and constitutional court in particular try to intervene in political process have profound consequences for the distribution of political power among the president, the cabinet and the legislature. For the purpose of analysis in this chapter, it is assumed that basic institutional powers and “rules of the game” are regulated by constitutions and other fundamental legal documents. The assumption of a non-strategic role of the courts is partially justified by the specific empirical domain of this research project. The political process in postcommunist countries, which experimented with semipresidentialism during the first years of transition, was dominated by the executive and legislative branches. Due to the law-defying legacies of Soviet period and slow adaptation of new institutional forms such as constitutional courts, judicial review, etc., the judiciary was a latecomer to the political scene where parliaments and presidents competed for power.

way interactions between president and prime minister or, alternatively, between the prime minister's cabinet and the legislature, or between president and legislature (Baylis 1996, Taras 1997).

A problematic aspect of these analyses is the lack of explicit attention to the relationships of hierarchy and mechanisms of control imposed by the specific institutional contexts. Political actors are perceived in this literature as playing in a non-hierarchical political market with each actor being endowed with a specific set of resources and each in pursuit of their own distinctive goals. For example, Baylis (1996), who tries to understand, among other things, why presidents were successful in bringing down prime ministers and their cabinets and why prime ministers usually did not succeed in their struggle against the president, examines the whole set of factors ranging from institutionally derived powers to such contextual variables as particular politicians' popularity and symbolic appeal. The implicit assumption of such an analysis is that institutional hierarchies do not deserve special attention in explaining the outcomes of intraexecutive struggle and that the discussion of these factors should have no priority vis-à-vis contextual analysis in discerning patterns of executive-legislative politics. Although knowledge of contextual factors is required to understand each particular case of intraexecutive or executive-legislative conflict, it does not directly encourage a more general analysis of this political phenomenon. It is the goal of this research to examine how specific constitutional norms, which constitute a systematic element in the inquiry, interact with contextual factors in shaping the outcomes of political competition among the different branches of government.

Structuring postcommunist countries' experiences with semipresidentialism along theoretical lines requires that the analytical focus be shifted to the study of the hierarchical organization of government and the distinct patterns of superiority and subordination produced by this hierarchy. Presidents, cabinets and legislatures do not engage with each other in some non-hierarchical market-like political world. Their incentives and constraints, available resources and opportunities are shaped by formal structures and institutional arrangements.

*Principal-agent framework of analysis.* The principal-agent model refers to a specification of an organizational relationship which is characterized, first of all, by the existence of a contractual agreement between principal and agent, with the latter being employed by the former for the purpose of producing outcomes desired by the principal. First developed in the economics literature on incomplete information and risk sharing, the principal-agent framework became a major tool in organizational analysis because of its analytical elegance and applicability to a wide set of organizational phenomena (Moe, 1984).

The central theoretical concern of the model is "how the principal can best motivate the agent to perform as the principal would prefer, taking into account the difficulties in monitoring the agent's activities" (Sappington 1991). The model's major underlying assumption is the existence of a conflict of interests between principal and agent. Having goals which, most of the times, are different from those of the principal, the agent has the tendency to pursue strategies which maximize his personal goal achievement. The agent's pursuit of his own goals takes place in the context of profound information asymmetry. This asymmetry favors the agent who benefits from the



principal's inferior ability to discern the agent's true beliefs and values at the stage of agent selection and to observe the agent's actual behavior after an applicant have been hired (Moe 1984).

Since the employer-employee type of relationship can easily be seen as characterizing not only profit-making organizations but also diverse types of societal organizations including political ones, insights generated by studying the implications of the principal-agent model found their ways into other disciplines including political science. The most advanced applications of this model to the field of political science can be found in American politics' research on congressional delegation ( Kiewiet and McCubbins, 1991). The focus of this literature is on the fact that the sophistication and complication of the business of government, combined with the increasing numbers of governmental tasks, necessitate some delegation of powers from the congressional body to its specialized committees and to various bureaucratic agencies. The issue of delegation raises a set of problems common to any manifestation of agency relationships: agent selection, interest reconciliation, effective monitoring and an information-revealing mechanism.

The study of intracongressional and legislative-executive delegation, as a successful application of principal-agent framework of analysis, encouraged interest in similar issues in comparative politics. With regard to the East European transition from communism the focus on delegation can bring additional insights for understanding institutional outcomes. For example, Shugart (1997) examines how the variation in the ability of parliament to undertake collective actions influences the institutional and political strength of the presidency.

*Semipresidential institutional relationships.* What follows is an attempt to model the most essential relationships of semipresidentialism - interactions among president, prime minister, and parliament - in a multiple principal-agent framework. Although the proposed model simplifies the empirical richness and contextual complexity of individual cases, this attempt to formalize some essential institutional relationships should bring several advantages usually associated with modeling: the model helps to highlight the underlying assumptions, to specify the logic and to clarify major and secondary relationships in phenomena under investigation, and, hopefully, bring some counterintuitive insights in the logic of political actors' behavior. Overall, it makes empirical research more focused and better informed theoretically.

The classical principal-agent model which specifies a relationship between one principal and one agent would fail to account for one of the distinctive features of hierarchical relationships in politics: the existence of multiple principals. Unlike in bilateral principal-agent models, the actions chosen by an agent in the multiple principal-agent setting affect not just one but several other parties. These other parties may have differing preferences over actions taken by the agent. While multiple-principal arrangements take place in the different organizational settings, the usual effort on the part of organizational leaders in a business setting is to make actions of multiple principals cooperative. Cooperation is much less likely to take place in politics where competitiveness among different principals, especially in systems with the separation of powers, is built into the constitutional design.

How does the "ideal" semipresidential constitution structure the relationships among president cabinet and legislature? First of all, these relationships are hierarchical.

The prime minister serves as an agent of two major principals: the president and the legislature<sup>3</sup>. He is in the center of multiple interactions that take place between the executive and legislature. This agency relationship is specified in the semipresidential constitution which makes both the president and the legislature participate in the selection of a prime minister and which stipulates the lines of the prime minister's responsibility to each of the principals:

**Figure 1.1 Superiority and Subordination Lines in Semipresidential Setting**

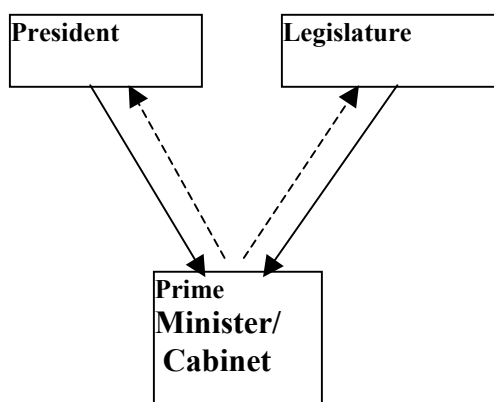


Figure 1.1 gives a simple schematic representation of the major institutional relationships in semipresidential settings. Authority to command is channeled through superiority lines that are directed to prime minister and his cabinet. Subordination lines go in the opposite direction, from prime minister to both president and legislature.

The important difference of the political setting from the business one is in the procedure of the specification of contractual relations. While in a business setting both principals and agent actually bargain over the exact formulation of the contract, in the political setting the terms of contract are rigidly specified, and in advance, in the

<sup>3</sup> These principals are in the same time the agents of electorate. For treatment of this hierarchical complexity see Downs 1957, Tsebelis 1990. Political actors, discussed in this chapter, are assumed to have all other considerations of principal-agent character already included in their calculations.

constitution. One way to capture these differences is by classifying agency as delegated or intrinsic. Delegated common agency arises when several parties delegate the right to make certain decisions to a single agent. Intrinsic common agency relationships take place when a single agent is “naturally” endowed with the right to make particular decisions which affect his principals (Bernheim and Whinston 1985). The constitution, in a political framework, is the most important document which endows the agent with a set of specific rights.

The implications of having common intrinsic agency are rather straightforward and unpleasant for principals. First, given the unavoidable conflict of interests between principals and agent, constitutional rigidity in the specification of exact terms of contract deprives principals of the important means of influencing the agent’s motivations and subsequent actions. The detailed specification of the contract also facilitates agents’ ability to rely on formal standards or indicators of performance rather than on the achievement of principals’ desired outcomes as a major measure of agent’s performance (Moe and Cadwell 1994). Second, because of the potentially conflictual nature of the relationship between principals, securing control over the agent becomes very important for both president and parliament since having a higher degree of control enhances one principal’s power position vis-à-vis the other.

The major implication of having multiple principals for the agent is the necessity to choose among conflicting goals and loyalties. Since pursuing the set of actions favored by one principal may antagonize the other principal the agent finds himself in a precarious situation. The agent’s choices of cooperation with and loyalty to either of

principals is likely to be conditioned, first of all, by the relative strength of each principal's constitutional control over the prime minister's selection and dismissal.

The discussion of the various mechanisms through which the principal can try to influence the agent's behavior with the goal of minimizing the agency losses highlights the following four options: contract design, performance monitoring, institutional checks and candidates' screening (Kiewiet and McCubbins 1991). The political struggle over the exact design of the semipresidential constitutional framework in the countries of Eastern Europe and the former Soviet Union was, among other things, about the terms of the contract between principals (president and parliament) and their agent (prime minister). When agreed upon and formally adopted, the constitution becomes rather rigid and difficult to amend, a construct which limits the politician's ability to experiment with contract design and various institutional checks and devices for monitoring the agent's performance. Under these circumstances, the screening mechanism becomes very important.

*Screening as a major tool for securing agent's compliance.* As was mentioned above, the institutional constraints on both principals' ability to influence the terms of contract, which specify the agent's responsibilities, liabilities, and schemes of reward, deprive the principals of the opportunity to tailor contract terms according to the concrete identity of the selected agent. These institutional constraints refer not only to the different career-related aspects of an agent's functioning such as hiring, firing, and promotion, but also to the structure, formal goals, and decision procedures of organizations the agents are employed to work in.

When it is difficult to use contractual incentives to influence the agent's behavior, one partial remedy is to concentrate on the screening and selection process. Thus, under the rigid terms of constitutionally specified contracts, the selection procedure becomes an important mechanism of the principal's control of the agent's subsequent performance. Securing the selection of the "right person" as an agent has a promise of diminishing the principal's subsequent costs of making sure that the agent follows the principal's orders.

The existence of multiple principals makes the selection process more complicated than the case is in the bilateral principal-agent model because each principal has some sort of say in the agent's selection. Under the ideal semipresidential framework discussed here, there are two major elements in the appointment process. The president moves to nominate a prime minister first and legislature's approval or rejection of the presidential nominee is the second step. The formal analysis of the advantage that this procedure produces for each principal, and the likely outcomes of the appointment game under these selection rules, is discussed in the next section. This research's long-term

interest, however, will be to see how the interaction of selection rules and contextual factors affects the outcomes of the appointment game.

Constitutional norms are of interest in the first place because they constitute a formal indicator which helps to measure the relative degree of influence in the selection process that each principal has under specific constitutional rules. This information, in turn, becomes helpful for determining the likely outcomes of the principals' struggle for the control of the agent. The next section develops a hypothesis about the way the constitutional structure effects choice of cabinet.

### **Cabinet appointment game**

The participation of the president in cabinet formation under semipresidentialism results in the appointment of cabinets that differ from the choice of cabinets if the "ideal" presidential or parliamentary constitutional framework were in place. The formal cabinet-related powers of president and parliament are expected in this research to be the best predictors of the cabinet formation outcomes. In other words, the prime minister's location on the continuum between the ideal points of president and parliament can be predicted from the distribution of formal powers over cabinet. The contextual factors specific to each case of cabinet formation are not expected to alter the effect of formal powers' distribution. What follows is the formal specification of the hypotheses that will be tested in the next chapter.

#### **Hypothesis I.**

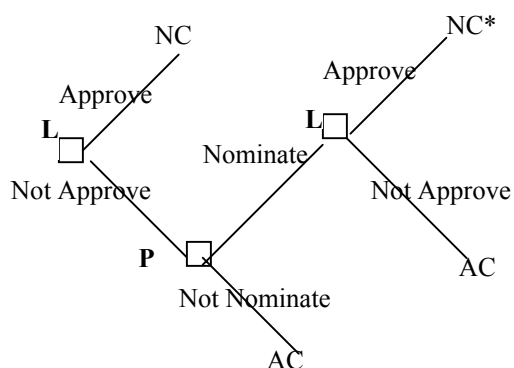
**The stronger the presidential powers over cabinet, the closer the choice of prime minister will be to the ideal point of president rather than parliament.**

**Location at the ideal point depends on three powers: a) the power to nominate the prime minister; b) the power to dismiss the prime minister and his cabinet; c) the power to dissolve parliament when cabinet formation process is stalled. The presidential control of all these powers will result in the selection of a prime minister who will reflect the president's ideal point. If the president only controls nomination power, this will be translated into the selection of a prime minister who will be closer to the ideal point of parliament.**

In the modal arrangement of a semipresidential constitutional setting, cabinet formation has the following procedure. The first step is the presidential nomination of prime minister. This type of constitutional setting gives the president an exclusive right to propose a candidate for the post of prime<sup>INC\*</sup> minister, thus awarding the former with the important advantage of having the initiative in the appointment game. The second step is parliament's confirmation of a candidate for prime minister proposed by the president. Since parliament can only approve or disapprove the presidential nominee and not propose its own candidate, the parliament's powers in the appointment process are negative. Given the fact that both president and parliament are involved in cabinet selection, the appointment decisions can be modeled as a product of a bilateral bargaining game between the president and the parliament. Situations when the president and the parliament have different political orientations are of primary interest here. Even when the president and the parliament belong to the same political camp, the cabinet selection process may lead to a conflict of interest as well.

*Cabinet appointment decision tree.* The basic sequence of decisions in the cabinet formation process can be represented in the following way:





**Figure 1.2 Sequence of Decisions in Cabinet Appointment Process**

The decision nodes indicate moves taken by the legislature or the president. Two capital letters at the open end of lines stand for cabinet appointment outcomes. The decision tree presents both players' choices after the initial move by the president to nominate a prime minister has been already made. As the figure shows, parliament has a choice either to approve or to reject president's nominee. When parliament approves the candidate, the cabinet appointment game is over. The outcome is NC, which indicates that new cabinet is formed. If parliament does not accept the candidate, the president has a choice either to nominate a new candidate or to stay with an acting cabinet instead. The AC abbreviation indicates this outcome. After a new nomination by the president has been made, the parliament faces the same two choices, Approve or Not Approve. Approving results in NC\*, which stands for another new cabinet outcome. When the Not Approve decision is taken by the parliament and the president chooses to propose a new nomination instead of having a care taking cabinet, the game will continue replicating the previous structure of choices.

The purpose of this illustration is to show that depending on preferences over outcomes the president can have different strategies in the appointment game. When the president prefers to have an acting cabinet as the outcome, he will be willing to nominate

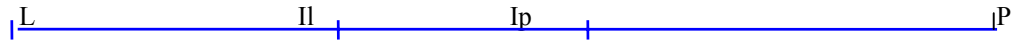
his ideal candidate even when the latter has a small chance to be approved by parliament. If the candidate is not accepted by the parliament, the candidate can still be presiding over a caretaker government until cabinet which is acceptable for both parties is formed.

Under what circumstances will a president be able to tolerate the high political costs associated with having a caretaker government instead of a fully legitimate permanent cabinet? The political environment that the president currently finds himself in has a decisive impact on the structure of presidential preferences over the possible outcomes in the cabinet appointment game. The next chapter of this dissertation discusses which contextual factors have the most important effects on the hierarchy of presidential preferences over cabinet appointment outcomes.

*The power of initiative in the appointment game.* The “first-move” advantage of the actor who, in accordance with the constitution, has this initiative is well analyzed in the literature on the United States president and senate’s bargaining over appropriation bills and over candidates for the positions of cabinet secretaries (Kiewiet and McCubbins 1985; Shugart and Carey 1992). A similar logic applies to the cabinet selection game under semipresidential regimes. Figure 1.3 presents schematically how the power of initiative influences the outcomes of bargaining between president and parliament. The underlying assumption is that the preferences of the president and parliament over the prime minister candidature can be mapped on one dimension. Two types of symbols, related to players’ preferences over the choice of prime minister, are used in graphic representation. First, there are two ideal points representing the ideal preferences of players, (L) for legislature and (P) for president. Second, there are two indifference points (Il) and (Ip) which signify spots at which one of the players is indifferent between

filling the post of prime minister and leaving it vacant. The location of indifference points is very important for understanding both the logic of the game in general and the strategic advantage of the president's initiative in particular.

**Figure I.3 The President and Parliament's Preferences over the Choice of Prime Minister, No Overlap Between the Indifference Points**



When there is no overlap between the president's ( $I_p$ ) and the legislature's ( $II$ ) indifference points, as in Fig. 1.3, the position of prime minister remains unfilled, since the president will not be willing to nominate a candidate who is beyond his indifference point, and parliament will not approve a candidate who is not on line segment L-II. In this case the political costs of having a vacant post is lower for both players than the costs of accommodation of the other side's preferences.

Figure 1.4 illustrates the situation when the indifference points of the president and parliament overlap:

**Figure I.4 The President and Parliament's Preferences over the Choice of Prime Minister, the Overlapping Indifference Points**



As Shugart and Carey (1992) argue, the power of nomination is in fact the power to make a take-it-or-leave-it offer. Given the overlapping indifference points and the president's ability to discern the true location of parliament's indifference point, the power of initiative allows the president to choose the candidate who is as close as

possible to the legislature's indifference point; thus closer to the president's ideal point than any other point on the overlapping segment.

What can be said about the outcomes of the cabinet appointment game in our model? First, the necessary condition for cooperation between the president and parliament with regard to cabinet formation is the existence of a bargaining space, a line segment where their indifference points overlap. The location of indifference points depends on the magnitude of costs imposed on both players by the existence of the vacant position. Second, when cooperation takes place we expect that the outcome of the appointment game - the choice of prime minister - will reflect the preferences of president rather than the legislature. In terms of principal-agent framework, this particular structure of appointment game favors one principal, the president, over the other, parliament. Given that they have different criteria for agency selection, those employed by the president are more likely to be met.

*Illustration of the argument.* The formation of the first Russian cabinet under Yeltsin is probably the most publicized example of a dispute between a president and a legislature over the appointment of a prime minister in the set of East-European cases here under consideration. In June 1992, Yeltsin nominated a young reformer, Yegor Gaidar, for the post of the Chairman of Council of Ministers. The Russian parliament never accepted this nominee although Yeltsin repeatedly asked the legislature to approve Gaidar for the position of prime minister (Aslund 1996). In terms of our graphic representation, Gaidar, as a nominee for prime minister, was not on line segment L-II and thus was not acceptable to the legislature. Leaving the post vacant in the context of the poorly specified Russian constitutional framework of 1991-92 meant that the presidential

nominee had to function as an acting prime minister until a more acceptable candidate could be found. The fact that Gaidar's cabinet existed for 6 months without him ever being confirmed by parliament testified to the unusual circumstances under which the costs of leaving the prime minister's position vacant were persistently low for both branches of government.

*Variation in cabinet dismissal power.* How does the control of cabinet dismissal powers enter the players' calculation at the stage of the cabinet appointment? Two kinds of variation in the control of dismissal powers are of interest here. Firstly, parliament has the exclusive right of cabinet dismissal and secondly, both the president and parliament can unilaterally dismiss the prime minister and cabinet.

When a constitution grants the power of cabinet dismissal to parliament and not to the president, the latter faces the following choices. The power of initiative or a take-it-or-leave-it offer still means that the president has in his hands an important instrument to make parliament to accept a prime minister more to the president's liking. What has changed is that the subsequent survival of the cabinet is fully dependent on parliament. This change can affect the president's calculation in a profound way: he knows that the selection choices he made and the appointment outcomes he imposed on parliament may no longer stick. If parliament, at some specific point of time when the political costs of not accepting the presidential nominee were prohibitively high, confirmed a prime minister more to the president's liking, it could subsequently dismiss him when the costs of removing him do not run high. Under these circumstances, as Shugart and Carey (1992) notice, the president faces the following choices: either he nominates a prime

minister that reflects the preferences of the parliament or he nominates a candidate more to his liking and is willing to accept a high rate of cabinet turnover resulting from parliamentary dissatisfaction with the president-oriented cabinet.

What makes the president willing to accept a high rate of turnover? Or, in other words, when are the costs of a considerable turnover low for the president? While Shugart and Carey (1992) do not address these issues, this research tries to understand how other institutional factors influence the presidential calculation of costs associated with the cabinet turnover. The presidential calculations are the function of political environment the president finds himself in. Such institutional variables as the character of party system, the sequence of electoral cycle and the provisions regulating the dissolution of parliament constitute the systematic factors which influence the presidential definition of current political context. The empirical research undertaken in the second chapter of this thesis addresses these issues in details.

A different strategic environment arises when a semipresidential constitutional framework provides for symmetrical dismissal powers allowing both the president and the parliament to dismiss the prime minister and his cabinet unilaterally. In the previous scenario, parliament was empowered to dismiss cabinet. In this one, the equivalent right of the president offsets that advantage. How is the appointment game likely to be played under these circumstances?

The strategic interactions between the players can be schematically summarized in terms of two possible strategies. The first one, that can be called the strategy of confrontation, presupposes that each player is just trying to impose its preferences on the other side given the existing constitutional constraints. The president, depending on both

his tolerance level of potential cabinet turnover and the parliament's indifference point, will demand that the parliament accept a prime minister more to his liking. The higher his tolerance level, the closer to his ideal point will be his nominee. The parliament's indifference point will depend on the magnitude of political costs that the legislature will have to suffer in case of rejecting the presidential nominee.

On the other hand, both players can pursue an accommodative strategy trying to incorporate the other side's preferences in their actions. This implies that president, when proposing a nominee, will be willing to move further away from his ideal point than it is demanded by the parliaments' indifference point. And parliament, in its turn making a decision about the candidate's approval, becomes more receptive to the presidential preferences.

The pursuit of an accommodative strategy is greatly facilitated by the symmetry in cabinet dismissal powers. The realization of the fact that each side can routinely dismiss the prime minister who is favored by the other side should provide the strong incentives for cooperation in appointment/selection process. The probability of cooperation increases when the substantial rate of cabinet turnover incurs high political costs on both the president and the parliament. A prime minister who is a true compromise figure equally distanced on our schematized one-dimensional space from the president and parliament's ideal points is theoretically the equilibrium outcome of this type of appointment game. Given that political context and concomitant calculation of political costs of cabinet dismissal is constantly changing for both the president and parliament this equilibrium is likely to be very unstable.

Since dismissal, unlike appointment, does not require both sides' involvement, either side is relatively unconstrained in its ability to dismiss the prime minister when, for whatever reasons, it is no longer satisfied with his performance. The following hypothesis will be empirically tested in the third chapter of this research:

**Hypothesis II. The rate of cabinet turnover will be the highest in semipresidential regimes that grant to both the president and parliament symmetrical and unconstrained powers of cabinet dismissal. Semipresidential regimes that impose constitutional restrictions on the parliamentary power of cabinet dismissal will experience the lowest rate of cabinet turnover.**

*Presidential power to dissolve parliament in cabinet-related matters.* The cabinet appointment-dismissal game was discussed until now in the context of a separation of power between the president and parliament. The separation of power principle here is used in a restricted sense as a separation of the president and parliament's origins and survival. The principle of the separation of origins and survival means that neither the election nor the length of stay in power for both the president and the parliament is dependent on the other side's confidence. In particular, the president neither determines who gets elected to the parliament nor influences the parliament's term in office.

Most of the existing semipresidential constitutions deviate from the principle of separate origin and survival most importantly by providing the president with the right to dissolve the parliament. At the same time, the president's time in the office remains fixed and only dependent on some form of the parliament's confidence only in case of impeachment. The constitutions are usually quite explicit about the circumstances under which the president can dissolve the parliament. Here, we are concerned only with the



cabinet formation-related circumstances under which the constitution allows the president to exercise the power of dissolution. Although there is a substantial variation among the different constitutions in the exact specification of circumstances, the general rule is that the power of dissolution can be applied when the process of cabinet formation is stalemated. At the stage of cabinet dismissal, the provisions for parliament dissolution are included in some constitutions in order to restrict the parliament's ability to censure the cabinets. For example, the parliament's vote of no-confidence to the cabinet may give the president an option to dissolve the parliament.

It is logical to assume that the presidential ability to threaten the survival of parliament in the process of negotiation over the composition of cabinet or the cabinet's dismissal substantially increases the presidential bargaining power vis-à-vis parliament. If at the stage of filling cabinet posts, the president can credibly threaten the parliament's survival then he is more likely to impose on parliament a candidate who will be much closer to his ideal preference than to the parliament's one. If the similar presidential threat can be applied at the stage of cabinet dismissal, then the parliament's ability to influence the cabinet's incentives and strategies diminishes. The presidential power to dissolve the parliament when the latter votes to dismiss the cabinet also implies that constraints on the presidential ability to secure and keep in office his "ideal" prime minister- namely the parliament's asymmetrical power of cabinet dismissal - can be overcome. The president has no longer to face a high rate of cabinet turnover since his power of dissolution should diminish the parliament's resolve to periodically vote the presidential favorites out of cabinet.

The underlying assumption here is that most of the time the parliamentarians will behave opportunistically, meaning they will be concerned more with maximizing their stay in power and chances of reelection than with advancing the programmatic goals that political parties they belong to declare. When the threats of parliament's dissolution are credible and the anticipated outcomes of future elections are unfavorable for the majority in parliament, then this majority is expected to acquiesce to the presidential preferences in order to secure its political survival. When the political costs of complying with the presidential will are excessively high and/or there are high chances of electoral success for the parliamentary majority in the next elections, then the parliament will be willing to face dissolution. As the Russian experience of the last years discussed later in this research shows, these types of electoral calculations made in the changing political context determine when the parliament is willing to confront the president.

***Fragmented or multipolar legislation.*** Since in all East European cases discussed here multiparty systems emerged and in several of those cases the legislatures can be characterized as fragmented and multipolar, it is important to analyze what consequences this parliamentary fragmentation has for the cabinet appointment game. One general consequence of the shift from the bipolar to multipolar parliamentary setting is the increase in the presidential bargaining power over appointment-dismissal game. Unlike bipolar parliament, a fragmented legislature faces considerable difficulties in aggregating the preferences of numerous parliamentary factions and in identifying its ideal point with regard to the choice of prime minister and cabinet. If fragmentation is in a single dimension majority would still form around preferences of medium legislator. When there are multiple dimensions of fragmentation the aggregation of preferences is more

complicated and majority is less stable. Since different compositions of the parliamentary majority are possible, there are several potential ideal points which can characterize the legislature's preference over a candidate for the post of prime minister. The president can exploit this uncertainty, as Shugart and Carey (1992) argue, by nominating his political confidant to lead the cabinet. The presidential nominee then serves as a focal point around which the parliamentary majorities can be constructed. Fragmentation in the parliament thus can help the president to secure the appointment of a prime minister which is closer to his ideal choice than a candidate facing a one-party parliamentary majority opposite to the president.

A similar logic can be extended to the stage of dismissal. The parliamentary ability to apply the power of dismissal, whenever the former is granted to the parliament by the constitution, is effectively diminished by the degree of political fragmentation in the legislature. Although the parliament can be in opposition to the president, political fragmentation weakens the unity of this opposition. Again, fragmentation means that different parliamentary majorities are possible, including those that may tolerate much higher levels of cabinet deviation from the ideal set of policies that would be favored by a one-party party majority.

*Nomination of cabinet members other than prime minister.* We assumed above that the president nominates a candidate only for the post of prime minister and that the subsequent appointment-dismissal game is only about the choice of a premier. As already discussed, there are inevitable agency losses for the president in the fact that he directly influences only the selection of the prime minister but not the other cabinet members. The hierarchical relationships existing in this institutional framework make

cabinet ministers the agents of the prime minister since the latter unilaterally controls the selection mechanism used to fill the cabinet posts. The further the prime minister is from the president's ideal point, the less likely the other cabinet members appointed by the prime minister will conform to the presidential interests and goals. The chain of principal-agent relationships in this case creates additional constraints on the presidential ability to control the cabinet.

As noted before, cabinets in several semipresidential regimes discussed in this research are not party cabinets in the West European sense. They are not formed along party lines due to the underdeveloped party system, the clientelistic character of emerging parties and presidential involvement in the cabinet formation. Country specific constitutional norms and other legal documents regulating cabinet activity rather than general principles of functioning of party-based cabinets can provide some guidance for understanding how technocratic cabinets are organized and function.

When the constitution provides the president with the right to nominate not only the prime minister but also all other members of the cabinet the presidential control over the cabinet increases. The most important change is that it is no longer relatively safe to assume the existence of a cabinet led by the prime minister. While the prime minister is still the head of the cabinet under this institutional framework, his ability to direct and control individual cabinet members is effectively diminished by his inability to influence the selection of cabinet ministers. If the existing legal norms also deprive the prime minister of a dismissal sanction against cabinet ministers, then the cabinet leadership surrenders to the president.

There can be constitutional variations in the presidential control over minister's nominations or appointments. For example, in several East European constitutions provisions can be found which grant to the president a right to nominate or appoint only specific members of cabinets<sup>4</sup>. These are usually the key ministers such as interior, defense, and foreign affairs. Whether only few or all members of the cabinet are directly controlled by the president, the consequence is that the principle of the cabinet as a collective body subordinated to and coordinated by the prime minister is compromised. Yet in terms of presidential ability to secure a loyal cabinet and minimize agency losses, the control of only a few ministerial posts is less effective than the control of all portfolios.

Other things being equal, the presidential power to nominate or appoint cabinet ministers other than the prime minister makes the cabinet more responsive to the interests of the president and increases the probability that the president and parliament's common agents, the cabinet ministers, will take the president's side in case of conflict between the principals.

### **Cabinet Relationship with President and Parliament**

While the first part of this chapter explored how the president and the legislature interact at the stage of cabinet formation, the second part examines what strategies the newly appointed cabinet is likely to adopt vis-à-vis its principals. Being in the position of agent for both the president and the legislature, the cabinet plays a key role in the

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<sup>4</sup> The initial constitutional settlement in Ukraine allowed the president to appoint ministers of foreign affairs, defense, finance, justice, internal affairs, and the heads of the committees for customs and the defense of state borders (Wilson 1997). The Little Constitution in Poland required the prime minister to seek the president's approval before naming the foreign, defense, and internal affairs ministers (Krok-Paszowska 1999).

political process. Its formal authority and powers are guarded by the constitution which prevents his principals from being entirely successful in their persistent attempts either to downplay political role of the cabinet, or to use the premier and his cabinet as easily dismissible scapegoats to whom political blame for policy failures can be reliably attributed (Holmes 1994; Baylis 1996). In the same type, the prime-minister and cabinet are not independent in their actions, they have to rely on or seek support from the principals to stay in office.

Principals who have structurally more influence over the selection process will be also more likely to secure the agent's compliance and cooperation. Thus, knowledge of the exact terms of the selection procedure should help to identify the likely scenarios of cooperation across principal-agent lines and types of major conflicts that a specific semipresidential regime is likely to develop. Two types of conflicts are theoretically interesting and empirically recurrent in cases examined in this paper: a) intra-executive which is characterized by intense confrontation between president and prime minister supported by parliament; b) executive-legislative which is characterized by conflict between legislature and united executive (when president and prime minister develop a common strategy for dealing with the legislature). The executive-legislative and intraexecutive conflicts provide two alternative channels along which political competition between the executive and legislative branches can be structured.

### **Hypothesis III.**

**The exact specification of cabinet dismissal powers will be the best predictor of the likely lines of conflict under semipresidentialism. When only the parliament has the power to dismiss cabinet, the political system is more likely to experience**

**intraexecutive conflict. When president and parliament have symmetrical powers of cabinet dismissal, the patterns of conflict will be mixed and will depend on the strategic calculations of prime minister. When other constitutional provisions effectively limit parliament's power of cabinet dismissal, political system is more likely to be characterized by the alliance of the president and the premier vis-a-vis the legislature and the concomitant executive-legislative conflict.**

As it was already mentioned, two kinds of variation in the control of dismissal powers are of interest in this research. Firstly, parliament has the exclusive right of cabinet dismissal and secondly, both the president and parliament can unilaterally dismiss the prime minister and cabinet. The former constitutional framework is premier-presidential and the latter is defined as president-parliamentary.

When constitution grants the power of cabinet dismissal only to the legislature, a prime minister who was closer to the parliament's ideal point at the moment of the cabinet selection will be even further motivated to cooperate with parliament and take the legislature's side in the competition between president and parliament. It will be solely due to the fact that the prime minister's survival depends exclusively on the legislature. In other words, the expectation here is that the political competition between the two branches of the government under this constitutional framework will be characterized by the existence of an alliance between parliament and prime minister, that is between one of the principals and common agent. This alliance will be competing with the other principal, the president who is part of the executive.

A prime minister who is more to the president's liking is in a precarious situation. The closer his actions are to those preferred by the president, the more likely he is to be

quickly dismissed by the parliament. If a prime minister does not put a major value on his stay in office, he might be willing to pursue the policy goals of the president at the risk of losing parliament's confidence. If, on the other hand, the prime minister's major goal is staying in power, he is likely to act opportunistically; that is, to pursue a course of action which maximizes his chances of staying in office. Since the maximization of his chances of staying in power or reelection is often posited as the main interest of politicians we should observe opportunistic behavior on the part of prime ministers more often than "ideological" behavior (as a close examination of East European cases later will show, under some circumstances losing his post can be a rational strategy for a prime minister to promote his political career). The expectation is that the prime minister, pursuing the opportunistic course of actions, will tend to defy his previous allegiance, distance himself from the president and seek closer cooperation with parliament. As in the scenario discussed in the previous paragraph, an alliance between parliament and prime minister is a likely outcome.

*Symmetrical dismissal powers.* When cabinet dismissal powers are symmetrical, what are the incentives for the prime-minister to cooperate with both principals or to ally with one of them during times of confrontation between principals? The likely consequence of symmetrical dismissal powers is an agent who is severely constrained in his actions and prefers not to ally closely with either of principals. The fact that there is symmetry in the president and parliament's dismissal powers should diminish the pro-presidential bias<sup>5</sup> in the prime minister's outlook, if the latter's first-order preference is to stay in the office

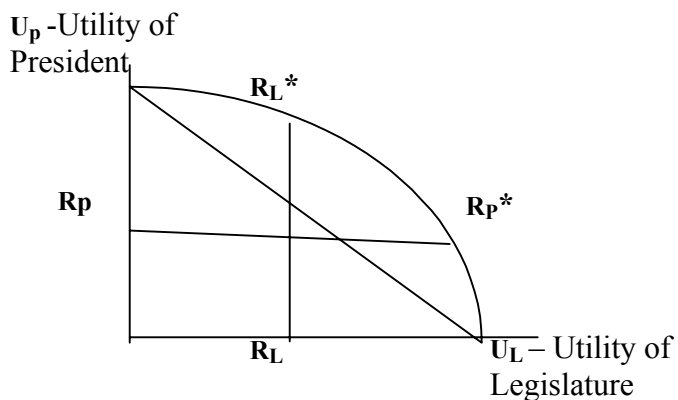
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<sup>5</sup> Such bias may exist when president has managed to translate his constitutional advantages in cabinet appointment game into the choice of prime minister.



Taking actions that hurt either of principals or taking sides in conflict between them is dangerous for the prime minister's survival since the principal whose interests were hurt is likely to retaliate by dismissing the cabinet. Thus the dominant strategy for the prime minister is to avoid situations which lead to the cabinet actions hurtful for either of principals and to avoid participation in the conflicts between principals which necessitate taking sides.

Assuming that president and parliament have divergent preferences with regard to possible course of actions taken by prime minister, restrictions on the latter's ability to pursue politically engaging strategies can be presented graphically in the following way:



**Figure I.5 Utility transformation**

The concave curve with a negative slope represent a trade-off relationship between president's and legislature's utilities derived from prime minister's actions. The curve has a negative slope, since increase in one principal's utility results in a decrease in the other principal's satisfaction from the agent's activity. Shifts from one to another point along the line costs one player in utility what the other player gains in utility from the shift. The shape of the utility curve, however, is concave indicating that for each additional utility unit that is lost by one principal, the increase in utility for the other becomes smaller and smaller.

Each principal's utility is plotted on one of the axes. When any principal's utility from cabinet activity drops below certain level the principal is no longer willing to tolerate prime minister and prefers to dismiss cabinet. Reservation points  $R_L$  and  $R_p$  specify this level for legislature and president respectively.

The reservation points, when translated on this utility transformation curve, indicate how much space for political maneuver is available for the prime minister. The smaller is  $R_L^*$   $R_p^*$  segment the more restricted is prime minister's ability to take an independent course of actions and the less stable the cabinet is expected to be. The segment's size depends on the differences in utility functions of president and parliament.

*The dissolution powers of president.* The formal symmetry of cabinet dismissal powers can be misleading for understanding the cabinet's behavior when the parliamentary ability to dismiss the cabinet is constrained by the constitutional provision which grants to the president the right to respond by dissolving the parliament. The presidential power of dissolution helps the president to buy the allegiance of the cabinet and makes it more likely that the latter will cater almost exclusively to the needs of this principal. Although under some specific circumstances (high political costs of supporting the existing cabinet and/or high chances of electoral success in the next election) the parliament may dismiss the cabinet and face the dissolution, the resolve demonstrated by the parliament will have an inconstant nature and is not likely to have systematic influence on the cabinet. In general, the rate of cabinet turnover is expected to be low since the dismissal of cabinet will not be persistently a dominant strategy either for the president or the parliament. The alliance of the president and the cabinet against the parliament is an expected outcome in case of executive-legislative competition.

Some constitutions also have other norms that limit the parliamentary ability to censure the cabinet. A time restriction on no-confidence vote is one type of such constitutional provisions. The constitution specifies when the parliament may raise the issue of confidence. For example, the legislature may not be able to vote the cabinet out of office before the twelve months period since the cabinet's election expires. When there are some restrictions on the exercise of the parliamentary power of cabinet dismissal this power becomes less effective instrument to ensure the cabinet's compliance.

*Fragmented or multipolar legislature.* The fragmentation of the parliament affects the prime minister's strategies in several distinct ways. First, support for the

cabinet's policies in a fragmented parliament is more fragile than in a bipolar system. Given the diverse ideological orientations and political interests of the members of the coalition supporting the prime minister and cabinet, it is less probable that solid parliamentary support can be continually generated for the cabinet's activity. On the other hand, the cabinet deviating from the parliamentary majority's ideal point faces a less credible threat to be dismissed by the parliament since the vote on the cabinet dismissal also requires constructing some majority. The fragmentation should allow the cabinet to act strategically vis-a-vis separate parliamentary factions and to extend efforts to selectively buy their support.

The bargaining power of cabinet vis-a-vis parliament depends on two broad sets of factors. The first includes the design of a legal framework which specifies the exact nature of relationship between the cabinet and the parliament, the character of powers each side is endowed with and the exact specification of procedures the sides have to follow. These characteristics are important because the institutional environment in which the cabinet and legislature operate may favor one side at the expense of the other. Procedures for passing legislation, for example, can not only put the powers of a bill's introduction and amendment in the hands of the cabinet but also grant to the cabinet a right to demand that parliament's vote on some pieces of legislation should be considered as a "cabinet confidence" vote meaning that rejecting a bill by the parliament entails automatic resignation of the cabinet. Procedures regulating the parliament's exercise of cabinet dismissal powers may restrict the parliament's ability to bring cabinets down by requiring an extralarge majority for a vote to be successful, by introducing the limits on how many times the issue of confidence can be brought up, by denying the parliament a

right to bring an issue of no-confidence during some specific time periods: the cabinet's first six months in the office, earlier than three months after the previous no-confidence vote, etc.

The second set of factors has to deal with the characteristics of party system. Party system can consist of either predominantly programmatic or clientelistic parties (Kitschelt 1995). The parties of the former type can be characterized as program-oriented, policy committed, and competing for the voters on the basis of ideological stand and programmatic appeal. The clientelistic parties are patronage-oriented, opportunistic and build political support through delivering government-derived resources to selective political constituencies in exchange for votes.

When programmatic parties are the major ones in the party system, the party competition is about alternative political programs and public policies. The programmatic parties, which are oriented on the production of public goods, tend to produce programmatic cabinets. Even when the cabinet is less program-oriented than the parties, which can be the result of an appointment compromise between the president and the parliament, there is not much space for the cabinet's maneuver and manipulation since programmatic party factions in the parliament are more or less immune against being co-opted by the executive which is in position to distribute selective incentives.

When, on the other hand, the party system (and subsequently parliament), is dominated by clientelistic party factions, the prime minister and cabinet in general can be much more successful in manipulating a parliamentary majority. Various parliamentary factions, primarily concerned about the constant flow of resources to their constituencies, are likely to be very receptive to the cabinet's offers of club goods for their supporters or

governmental positions for party leaders in exchange on factions' political support of cabinet. Thus, the prime minister and cabinet who have some relative freedom in the distribution of scarce governmental resources valued by the party factions in the parliament acquire the important leverage in dealing with one of its principals, parliament.

The understanding of this strategic advantage acquired by the prime minister is very important for further analysis given the fact that party system in many cases that this research deals with can be characterized by extensive fragmentation and clientelism. Given the amorphous structure of clientelistic party system, cabinets in such type of systems are likely to have a technocratic rather than a political character. Technocratic prime ministers and cabinet members, as a rule, do not have a political party affiliation. They are less constrained by binding ideological principles or programmatic commitments. Technocratic cabinets face the same type of political difficulties that minority cabinets in the developed party systems have to deal with. Traditional expectations about how minority cabinets function stress the cabinet's vulnerability to swings of political fortunes and a lack of leadership potential. Thinking in terms of a principal-agent approach, however, helps to bring additional insights in the functioning of technocratic governments. The shift from bipolar to multipolar party system weakens one of the principals' ability both to effectively direct the agent's activity and sanction his disobedience. Especially in a fragmented and clientelistic party environment, the prime minister is less constrained by parliament's superiority and is likely to exploit the tensions inside the parliament in order to advance his own interests. Fragmentation or polarization does not have a similar effect on the agent's relations with the other

principal, the president. It may have important consequences in the choice of ally if the principals are in conflict. The expectation here is that the weakening of the agent's dependence from one of the principals makes the agent to the other principal. In other words, when the credibility of the parliament's threats of sanctions against the prime minister and cabinet decreases because of the collective action problems inside the parliament, the cabinet is more likely to pursue a course of action favored by the president.

### **Semipresidentialism and public bureaucracy design**

The existence of the office of president with the strong democratic legitimacy and substantial executive powers is also expected to make the politics in semipresidential regimes more personalistic than in parliamentary republics. Presidents routinely rely on patronage appointments to promote their political causes. They bring their political supporters in great numbers into the existing government agencies or try to create new agencies. Both strategies tend to lead to bureaucratic proliferation.

Institutional design of semipresidentialism also encourages political competition between president and prime minister over the control of executive branch of government. This competition also results in bureaucratic proliferation because both the president and the premier have to rely on producing politically loyal bureaucracies to succeed in this competition. Even when intraexecutive conflict is not salient the very existence of dual executive impedes the efforts to rationalize government organization by making the application of traditional management techniques, which undermine bureaucratic partisanship, politically acceptable to neither the president nor the premier.

**Hypothesis IV. Periods of high intraexecutive competition in semipresidential regimes will be characterized by increase in cabinet size and by growth of central government apparatus.**

**Hypothesis V. Semipresidential regimes will be less successful reformers of central government than parliamentary regimes.**

Both hypotheses are tested in the second part of dissertation that examines the implications of semipresidentialism for the design of public bureaucracy. The choice of “grand” institutions is believed to have a profound effect on the way how administrative institutions are consequently set up (Moe and Cadwell 1994). This claim of the existence of close relationship between the constitutional design and the makeup of executive institutions serves as a major link between the first and the second parts of dissertation.

### **Research constraints**

Trying to find systematic empirical support for these hypotheses is complicated by several factors. First of all, there is a problem of small number of data observations. Studying the effects of constitutional variation on the cabinet formation and functioning would be more conclusive if there are more cases of cabinet appointment and dismissal to analyze. Having more observations would help to control for the effects of particular personalities, idiosyncratic events, and other contextual factors. The latter are necessary components of any empirically sound explanation of specific political outcomes, but in the same time, can obfuscate the existence of some general patterns. Discussing the difficulties in analyzing post-Soviet presidencies, Juan Linz (1997) argues that unless



there were several elections of different incumbents it is difficult to differentiate between the effect of office and the personal characteristics of incumbent presidents. The data which is available is rather limited: semipresidential constitutions in most countries discussed here have been in place for a time period which encompasses only two full presidential terms and three or four parliamentary terms.

A second problem is the newness of semipresidential institutions. Some process of learning should take place before politicians will know how to react to a new set of incentives and how to behave in a new institutional environment. Before this learning takes place, politicians' actions and strategies are unlikely to follow the logic derived from the specific institutional setting. Thus, the first years after the introduction of new institutions can be characterized by misunderstandings of how new institutions actually work and miscalculations on the part of some political actors. Since the years of introduction of new institutions dominate our time set of semipresidential experiences, finding support for our theoretical arguments become even more problematic. When institutions are in flux, politicians may also be disoriented in terms of what their long-term goals are and what the appropriate strategies are. In several countries, the new constitutions were adopted relatively late in the transition, leading to the fact that many of the first presidents and parliaments structured their relations with each other and with the cabinets under an institutional vacuum. The differences in the legitimacy, political support and popularity of political leaders rather than constitutional powers and sources of influence stipulated by newly established institutional setting were decisive in determining the outcomes of executive-legislative competition over control of cabinet and governmental policies (Linz and Stepan, 1996). This leads to another issue often

raised by the scholars of transitional politics: how much do institutional provisions constrain political actors? What if politics, whenever it is in interests of any powerful player, overflow institutional channels? When this becomes a considerable problem, it is difficult to talk about the systematic effects of constitutional frameworks.

Looking cross-nationally for similar semipresidential constitutional arrangements and studying their effects on political process provides some partial solutions for the data constraints problem. It does not, however, address the second and third issues. One obvious problem with a cross national comparison of institutional impacts is the difficulties in separating the effect of institutions from the variation in contextual country-specific factors. The appropriate research design methodology here is to study whether similar institutions in different national contexts affect the calculations and strategies of politicians in similar ways and whether these institutional variables play an important role in explaining political outcomes.

The “most different systems” research design, in Przeworski and Teune’s terminology (Przeworski and Teune 1970), will be used to compare how similar institutions operate in diverging political systems: those that evolve in the former Soviet republics, on one hand, and in the former satellite countries of Eastern Europe, on the other. The alternative research methodology – the most similar systems’ research design – will be discussed as well. The first major application of the latter research strategy will be to study how variation in semipresidential constitutional design affects executive-legislative relations in general and administrative reform in Russia and Ukraine, countries with rather similar starting positions. The second application of a ‘most similar systems’ research design will be employed to examine how the choice of different institutional

settings – semipresidential or parliamentary constitutional framework – affects government restructuring in structurally similar Central European countries.

## **Conclusion**

I argued in this chapter that our theoretical understanding of semipresidentialism can be improved by the explicit analysis of the patterns of superiority and subordination that arise under the dual executive design. The presidency, the cabinet and the legislature are the key institutional elements of semipresidential constitutional design. The multiple principal-agent model helps to uncover the underlying logic of the institutional relationships under semipresidentialism. Interactions among political actors who comprise these institutions are structured along the lines of superiority and subordination.

Under the semipresidential constitutional framework, the cabinet has two immediate principals, the president and the legislature. The identity of the cabinet is determined in the bargaining game between these principals. Constitutional provisions provide one of the principals, the president, with a number of advantages in the cabinet formation game. The power of cabinet nomination is the most significant advantage that the president has in bargaining over cabinet appointments. In cases when the constitution awards the president with two other kinds of formal power, to dismiss the cabinet and to dissolve the legislature in cabinet-related matters, cabinet appointment outcomes are most likely to reflect the ideal point of the president.

While in office, the prime minister and his cabinet face the difficult choices of complying with the conflicting preferences of the president and the legislature. When the principals are in conflict, the cabinet's behavior vis-à-vis them will primarily depend on

where cabinet dismissal powers reside. When the legislature has the exclusive power of cabinet dismissal, which is the case in all premier-presidential regimes, the cabinet is expected to comply with the preferences of the legislature.

Formal symmetry of dismissal powers makes it more difficult to predict cabinet strategies in president-parliamentary regimes. The president-parliamentary constitution grants cabinet dismissal powers to both the president and the legislature. Whether the cabinet allies with the president or the parliament will depend on other constitutional provisions limiting the principals' ability to sanction the cabinet. Two such provisions were discussed in the chapter: the presidential power to dissolve the parliament and the time restrictions on no-confidence vote.

Given that the institutional design of semipresidentialism encourages the political use of bureaucracy it was also argued in the chapter that the constitutional choice entails certain bureaucratic characteristics. Both the personalistic character of the presidency and the dual character of the executive lead to the patronage-based politics of bureaucratic expansion. Semipresidential regimes were hypothesized to be more likely to experience the proliferation of executive agencies and cumbersome bureaucratic organization of central government than parliamentary regimes.

## Chapter II

### **Institutional Determinants of Cabinet Formation Outcomes under Semipresidentialism**

The first part of this chapter analyzes how the empirical outcomes of cabinet formation fit the theoretical expectations discussed earlier. More specifically, the primary concern here is to examine whether the choice of elected prime ministers corresponds to the hypothesized relation between the preferences of the president and the legislature.<sup>6</sup> The expectations were derived from the analysis of the distribution of formal powers between president and parliament with regard to cabinet appointment and dismissal.

The second part offers the analysis of other institutional factors that had an impact on cabinet formation outcomes. I discuss three such factors. One is the effect of non-concurrent electoral cycle, which provides a “legitimacy advantage” to the most recently elected branch of government. The second is a constitutional norm specifying presidential powers to dissolve parliament when the process of cabinet formation is stalled. The third is the degree and quality of fragmentation in parliament.

#### **Theoretical Expectations and Empirical Outcomes of Cabinet Formation**

Table 2.1 below shows how postcommunist semipresidential regimes can be classified on the basis of variations in how cabinets are formed. Semipresidential regimes in the table are classified according to two constitutional criteria. The first one indicates who participates in appointment of prime minister. The second one specifies who has the power of cabinet dismissal. These two norms regulating the cabinet formation process are

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<sup>6</sup> Unlike Shugart and Carey (1992), who discuss the appointment-dismissal game as a whole, the concern here is only with the appointment phase of the game since the dismissal part, as will be discussed later, can have a separate and distinct logic. This does not mean, however, that the rules of cabinet dismissal do not enter the calculations of the political principals in the appointment game.

found in constitutions of all semipresidential regimes discussed in this research. When more than one constitutional framework was in place in a given country, regime change is indicated by years attached to the country's name.

**Table 2.1 Cabinet Formation Powers in East European Semipresidential Regimes, 1990-1999**

<i>Appoint</i>	<b>Dismiss</b>		
	<b>President</b>	<b>Parliament</b>	<b>Either</b>
<b>President</b>	Ukraine 95-96		
<b>Parliament</b>		Bulgaria	
<b>Both</b>		Russia 91-93 Moldova 1994- Romania Lithuania Poland 90-92 Poland 92-97 Poland 97-	Russia 93- Ukraine 91-94 Ukraine 96- Kazakhstan 93-95 Kazakhstan 95-

In a vast majority of cases, semipresidential constitutional provisions require both president and parliament to participate in the procedure of cabinet appointment. Ukraine 95-96 is the only case in the table where president was constitutionally entitled with power to appoint prime a minister unilaterally.<sup>7</sup> While formally giving nomination power to president, the Bulgarian constitution strictly regulates who the president can nominate.<sup>8</sup> Given that the president has no freedom in choosing the candidate for the post of prime minister, Bulgaria was classified as a case where the parliament appoints premier unilaterally.<sup>9</sup> Except these two cases, the constitutions of all other regimes with popularly elected presidents require joint decisions by president and parliament to appoint a prime minister.

Semipresidential regimes in the table are more equally distributed according to the second criteria, power to dismiss. Unlike cabinet appointment, cabinet dismissal does not require joint decisions by the president and parliament. All cases, with the exception of Ukraine 1995-96, fall into two categories. The first category includes semipresidential regimes where only the parliament has power to dismiss cabinet. The second category lists regimes where both the president and the parliament have cabinet dismissal powers and can apply them unilaterally. Cabinet formation rules in the case of Ukraine 95-96

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<sup>7</sup> So-called “Constitutional Agreement” between president and parliament in Ukraine was signed in June 1995. The document enhanced presidential powers providing the president, among other things, with the power to appoint prime minister without seeking parliament’s consent. The agreement was in force for one year and served as a temporary provision regulating executive-legislative relations before new constitution was adopted.

<sup>8</sup> While according to the formal Duverger criteria Bulgaria has semipresidential regime, the exact constitutional rules regulating cabinet formation in Bulgaria follow parliamentary rather than semipresidential logic.

<sup>9</sup> The 1991 Bulgarian constitution requires president to appoint the prime minister candidate nominated by the party holding the highest number of seats in the National Assembly to form a government. If the prime minister candidate fails to form a government, the constitution requires president to appoint a candidate offered by the second largest party in parliament. Only after the new candidate fails, the constitution gives president some discretion in choosing the next candidate.



and Bulgaria approximate provisions of “pure” presidential and parliamentary constitutional frameworks respectively.

Adopting Shugart and Carey’ (1992) scale of measurement, I calculate the index of presidential powers related to cabinet formation in Table 2.2:

**Table 2.2 Index of Presidential Powers in Cabinet Appointment-Dismissal Game**

<i>Presidential Powers over Cabinet</i>		<i>Parliamentary Powers over Cabinet</i>			
Nominate	Dismiss	Confirm	Dismiss	Total Score	Cases
2	2	-1	-2	1	Russia 93- Ukraine 91-94 <sup>10</sup> Ukraine 96- Kazakhstan 93- 95 Kazakhstan 95-
2	0	-1	-2	-1	Russia 91-93 Moldova 1994- Romania Lithuania Poland 90-92 Poland 92-97 Poland 97-
2	2	0	0	4	Ukraine 95-96
0	0	-2 <sup>11</sup>	-2	-4	Bulgaria

<sup>10</sup> According to the February 1992 amendments to the Ukrainian constitution the president received the right to unilaterally fire seven leading cabinet ministers. Although the president could not dismiss at his will prime minister, the presidential power of individual cabinet members' dismissal qualifies this constitutional arrangement as one that gives an effective power of cabinet dismissal to both president and parliament

<sup>11</sup> Score for power of confirmation is -1 in all cases but the Bulgarian one where parliament has powers of both nomination and confirmation.

The index is calculated on the basis of individual scores assigned to constitutional powers of the president and the parliament in cabinet related matters. The powers to nominate and dismiss a cabinet are scored a 2. The power to confirm a nominee is scored a 1. This is due to the previous chapter's assumption that controlling nomination power brings to the player strategic advantages vis-à-vis the other player who controls only confirmation power. Adding the scores of presidential and parliamentary powers in cabinet formation produces an index of presidential powers for each type of semipresidential constitutional regime.

Two major groups of semipresidential regimes have index scores of 1 and -1 respectively. The difference comes from the variation in dismissal powers. Premier-presidential constitutional regimes do not grant the power of cabinet dismissal to the president, therefore limiting the amount of influence that president can have over the executive branch of government in premier-parliamentary regimes.

The index scores from Table 2.2 can be conceptualized as our theoretical predictions about the outcomes of the cabinet appointment game in different types of semipresidential regimes. Figure 2.1 reflects our theoretical expectations as to where a prime minister will be located on the continuum between president's and parliament's ideal points:

**Figure 2.1 Theoretical Expectations about Cabinet Appointment Outcomes in Different Types of East European Semipresidential Regimes**



Cabinets formed in Bulgaria and Ukraine 95-96 are expected to be located at  $-4$  and  $4$ , parliamentary and presidential ideal points respectively. President-parliamentary regimes are likely to have premiers at  $1$ , which is closer to president's than to parliament's ideal point. Prime ministers in premier-presidential regimes are expected to be at  $-1$ , reflecting the preferences of parliament rather than president.

***Studying the actual cases of cabinet formation.*** To see whether the distribution of cabinet appointment and dismissal powers accurately predicts the empirical outcomes of cabinet formation, the criterias for classifying actual cases of cabinet appointment have to be developed. Measuring empirically how far one or another prime minister is from a parliamentary or presidential ideal point constitutes a significant methodological problem that is addressed more extensively in Appendix 2.1 which also contains the description of indicators used for the measurement.

Evidence which helps to identify how far or close a given prime minister was to either of the principals come from either the countries' periodicals or secondary literature on a given country. An attempt was made to record how the candidate for the post of prime minister was perceived by the principals precisely at the moment of cabinet formation. This is particularly important due to the fact that after getting into office, prime ministers frequently started to pursue policies that changed both the principals' and media perceptions of premiers' allegiances and loyalties. It will be argued in the third chapter that shifts in prime ministers' patterns of cooperation with president and parliament constitute a rational strategy for premiers who find themselves in specific institutional environments.

When the president and parliament belong to the same political camp, this implies that their preferences over the choice of prime minister, ideally, should be the same. When, however, we accept the fact that even in this case there will be competition for power between the president and the legislature, then preferences of president and parliament over the cabinet will differ. Yet these differences will be less than the differences when the president and the parliament belong to opposite political camps.

Cases where the president faces a hostile majority in parliament or where there is no stable majority in the parliament will be of major interest in this research. These cases constitute a significant part of the sample, reflecting the underlying pattern of conflict in executive-legislative relations in post-communist countries. Political factors that contribute to the persistence of executive-legislative conflict in presidential regimes are also at work in many semipresidential regimes: the president and parliament have different constituencies, the electoral cycle is often disjointed, and party system is fragmented and polarized (Mainwaring 1992).

For conducting the empirical analysis and aggregating the findings, it was assumed that both in the cases when the president and the parliament belong to the same political camp and when they have different political orientations, prime minister's standing vis-à-vis president and parliament can be identified and compared to cabinet appointment outcomes in other cases. The most likely choice of a prime minister, if the "ideal" parliamentary framework were in place instead of semipresidential system, was taken as a proxy of parliament's ideal point in its bargaining with the president over cabinet.

**Prime ministers' political identity: empirical outcomes.** The prime minister was considered to be located closer to the president's ideal point, +, if at the moment of cabinet formation: a) the media described the then-to-be elected prime minister as being closer to the president than to parliament; and b) the prime minister who got appointed was the first candidate considered by the president for the nomination and did not belong to one of the three major parties represented in parliament and opposed to the president.

The prime minister was considered to be closer to the parliament's ideal point, -, if at the moment of the cabinet formation: a) the media has described the then-to-be-elected prime minister as an ideal choice for the parliamentary majority; and b) the prime minister has belonged to the political party or coalition having a majority in the parliament;

This classification, while still leaving a lot of space for the analyst's discretion, should provide some grounds for differentiating among the different outcomes of the appointment game. The classification is based both on "objective" criteria such as the prime minister's party affiliation and on rather subjective judgments about the prime minister's identity found in the press. The analysis of the press should partly compensate for the omission of contextual factors, and for the disregard of informal politics. For example, if the press brings to the public's attention and stresses the fact that the prime minister-elect was a long-term colleague or close friend of the president, this piece of information will influence our judgment of prime minister's stand vis-a-vis the president and the parliament. Instead of the detailed scale used by Shugart and Carey to illustrate the theoretical outcomes of appointment game, the empirical observations of appointment game outcomes are put on a less enumerated scale. The Shugart and Carey's

intermediate points were omitted from the empirical classification due to the practical difficulties of measuring minor differences in the prime minister's location vis-à-vis president and parliament.

**Table 2.3** presents the scores based on the empirical classification of cabinet appointment outcomes across all semipresidential regimes discussed in this chapter. These scores are then compared to the theoretically predicted scores of the premier's location on the continuum between the presidential and parliamentary ideal points.



Table 2.3 Theoretical Expectations and Empirical Outcomes of Cabinet Appointment Game

Prime ministers	Term in the Office	Theoretical Expectation	Empirical Outcome
<b>Russia</b>			
Gaidar, Yegor	6/91-12/92 (acting premier)	-1	+
Chernomyrdin, Viktor	12/92-3/98	-1	+
Kirienko, Alexander	4/98-8/98	1	+
Primakov, Yevgeni	9/98-5/99	1	-
Stepashin, Sergei	5/99-8/99	1	+
Putin, Vladimir	8/99-	1	+
<b>Ukraine</b>			
Fokin, Vitold	12/91-10/92		
Kuchma, Leonid	10/92-9/93	1	-
Zviagil'ski, Yuhym	9/93-6/94 (acting premier)	1	+
Masol, Vitali	6/94-4/95	1	-
Marchuk, Yevhen	6/95-5/96	4	+
Lazarenko, Pavlo	5/96-6/96	1	+
Lazarenko, Pavlo	6/96-7/97	1	+
Pustovoitenko, Valeri	7/97	1	+
<b>Moldova</b> <sup>12</sup>			
Muravschi, Valeriu	12/91-6/92		
Sangheli, Andrei	6/92-12/96	-1	+
Ciubuc, Ion	1/97-3/98	-1	+
Ciubuc, Ion	3/98 -	-1	+
<b>Kazakhstan</b>			
Sergei Tereshchenko	12/91-10/94		
Akezhan Kazhegeldin	10/94-10/97	1	+
Nurlan Balgimbaev	10/97-	1	+
<b>Romania</b> <sup>13</sup>			
Petre Roman	5/90-9/91	-1	-
Teodor Stolojan	10/91-11/92	-1	-
Nicolae Vacaroiu	11/92-11/96	-1	-

<sup>12</sup> 1994-98 Moldovan parliament had the one party majority, the prime ministers, however, were consistently closer to the president's rather than to the parliament's ideal point.

<sup>13</sup> In Romania, mainly due to the concurrent electoral cycle, the parliamentary and presidential elections of 1990 and 1996 produced presidents and parliamentary majorities which belonged to the same political camp. Consequently, the difference between the presidents and parliaments' ideal points was minute, or, it can be said, that their ideal points coincide in all but Vacaroiu's case. There were media reports about president Constantinescu's uneasiness in nomination of Radu Vasile in Spring 98, yet the tensions between president and parliamentary majority had intraparty character.

Victor Ciorbea	11/96-3/98	-1	-
Radu Vasile	4/98-	-4	-
<b>Poland</b>			
Jan Bielecki	12/90-12/91	-1	+
Jan Olszewski	12/91-6/92	-1	-
Waldemar Pawlak	6/92-7/92 (acting premier)	-1	+
Hanna Suchocka	7/92-9/93	-1	-
Waldemar Pawlak	10/93-02/95	-1	-
Jozef Oleksy	03/95-01/96	-1	-
Wlodzimierz Cimoszewicz	02/96-09/97	-1	-
Jerzy Buzek	09/97-	-1	-
<b>Bulgaria</b>			
Filip Dimitrov	11/91-10/92	-4	-
Liuben Berov	12/92-09/94	-4	-
Reneta Indzhova	09/94-11/94 (acting premier)	-4	+
Zhan Videnov	12/94-2/97	-4	-
Stefan Sofiansky	2/97-5/97 (acting premier)	-4	-
Ivan Kostov	5/97-	-4	-
<b>Lithuania<sup>14</sup></b>			
Bronislovas Lubys	12/92-03/93	-4	-
Aldolfas Slezevicius	03/93-	-4	-
Gediminas Vagnorius	12/96-01/98	-4	-
Gediminas Vagnorius	01/98-	-4	-

<sup>14</sup> As in Romania, the concurrent electoral cycle in Lithuania produced in the last two parliamentary and presidential elections presidents and parliaments that belong to the same political camp.

The findings from the table 2.3 are summarized below in table 2.4. The latter provides some descriptive statistics that helps to establish how well theoretical scores predict the empirical outcomes. For the purposes of presentation, theoretical scores are further simplified to include only two categories which are “+” and “-“. The “+” category indicates that prime minister is closer to the presidential rather than to parliamentary ideal point and the “-“ category signifies that premier is closer to parliament rather than to the president.

**Table 2.4 Distribution of Cabinet Formation Cases**

		Empirical Outcomes (N of cases, % of cases)	
		+ (Closer to President)	- (Closer to Parliament)
Theoretical Expectations (N of cases, % of cases)	+ (Closer to President)	10 (76.9%)	3 (23.1%)
	-(Closer to Parliament)	8 (28.6%)	20 (71.4%)

There were forty-one cases of cabinet formation included in Table 2.4. Given the variation in distribution of appointment-dismissal powers across semipresidential regimes, the theoretical expectation for these cases was to have 13 of 41 cabinets closer to the ideal point of president and 28 of 41 closer to the ideal point of parliament. The empirical classification indicates that 10 of 13 cabinets, which were expected to be in line with the presidential preferences, actually reflected the preferences of president, and 20 of 28 cabinets that were expected to be closer to parliament were in fact more to parliament's liking. Overall, theoretical predictions derived from the analysis of formal powers related to the process of cabinet formation were correct in 73.2% of cases. This supports the basic hypothesis about how appointment-dismissal powers affect the outcomes of cabinet formation.

Cases that do not confirm to the theoretical expectations are interesting because they can shed some light on other systematic factors that may have an impact on the process of cabinet formation. There are 11 cases of cabinet formation in table 2.4 where a substantial discrepancy exists between the theoretical expectations of where a certain prime minister should be and that prime minister's actual standing. It is important to note that these cases include only situations where the sign indicating prime minister's closeness to one of the principals is opposite the expected sign

Among the 11 cases of cabinet formation that contradict theoretical expectations there were 3 cabinets expected to confirm to the presidential preferences and 8 cabinets expected to be more to parliament's liking. The latter group includes 4 cabinets that had the status of an acting cabinet. While being in office from two to eighteen months, neither

of these four cabinets went through the formal procedure of parliamentary approval. The president appointed these cabinets and parliament either did not confirm them or did not vote on them due to their temporary status. Since there was no participation on the part of parliament in formation of these four cabinets they can not be considered as formed under the semipresidential rules and thus can not be qualified as cases that do not fit our theoretical expectations. However, one of these cabinets, Gaidar's 1991 cabinet in Russia, deserves special attention and will be included in the discussion that follows due to the extraordinary long period it held office.

The remaining eight cabinets that meet "opposite sign" criteria include: Bielecki's 1990 cabinet in Poland, three consecutive cabinets headed by Andrei Sangheli and Ion Ciubuc in Moldova, Kuchma 1992 and Masol's 1994 cabinets in Ukraine, Chernomyrdin 1992 and Primakov's 1998 cabinets in Russia. The theoretical expectation was that in premier-presidential regimes found in Poland, 1991-93 Russia, and Moldova the cabinet formation game should consistently produce the prime minister and cabinets which will be closer to the parliament's ideal point than to the president's one. In all above-mentioned cases there is agreement among analysts and in the press that cabinet formation resulted in the appointment of prime ministers who were the "president's people". A similar divergence between theoretical expectations and actual outcomes, although in the opposite direction, also characterizes three cases of cabinet formation (Kuchma, Masol, and Primakov) in the president-parliamentary regimes of Ukraine and Russia.

### **Explaining unexpected outcomes of cabinet formation**

What were the factors that alternatively strengthened the president's bargaining power in premier-presidential regimes and parliament's power in president-parliamentary regimes? One was the effect of non-concurrent electoral cycle, which provided a "legitimacy advantage" to the most recently elected branch of government. The second was a constitutional norm specifying presidential powers to dissolve parliament when the process of cabinet formation is stalled. The third was the degree and quality of fragmentation in parliament. Parliaments that were fragmented and clientalistically structured have acquiesced more to presidential preferences over the choice of prime minister than bipolar or fragmented legislatures dominated by programmatic parties. A favorable combination of any two of these three factors can empower either president or parliament and can serve as a sufficient condition to alter the outcomes of cabinet formation.

**Recent legitimacy.** Due to the variety of factors including different schedules for presidential and parliamentary elections, the different length of office term specified in the constitution for the executive and legislature, and the extensive practice of pre-term parliamentary elections, the presidential and parliamentary elections in postcommunist semipresidential regimes frequently do not coincide. This non-concurrent electoral cycle provides a fertile ground for conflict between president and parliament. The government branch, which went through the electoral test more recently, is tempted to claim its political superiority and even to demand extraconstitutional powers on the grounds that its legitimacy has more recent origins.

The fact of more recent election increases the president's bargaining power in the appointment game by lowering the political costs that the president would incur if the post of prime minister remains unfilled or the rate of cabinet turnovers is high. Enjoying more recent legitimacy, the president is more likely to nominate a prime minister candidate who is much closer to the president's ideal point than the parliament is willing to tolerate. When this happens the indifference points of the president and assembly do not overlap and the post of prime minister remains unfilled. The president, who has the choice to appoint the acting prime minister, is likely to accept this temporary solution to the deadlock in cabinet formation process. This is because political blame for this stalemate can be easily attributed to "less legitimate" parliament which ignores the "popular will" by not supporting the presidential candidate.

The importance of more recent legitimacy of one branch of the government can be magnified if the other branch is perceived as undemocratically elected (Linz and Stepan, 1996). That was especially the case at the beginning of the transition in countries where popularly elected presidents had to exist with only partially democratic parliaments which were elected according to the rules designed by the outgoing communist elite. Walesa's ability to gain the parliament's support for unknown Bielecki in Poland and Yeltsin's ability to keep Gaidar's cabinet in place for 18 months in Russia is partly explained by the president's political authority derived from the electoral support.

Although the consequences of the non-concurrent electoral cycle had especially great impact on the executive-legislative relations during the first years of the democratic transition, the subsequent routinization of new political practices and institutions does not



always serve as a constraint on presidential claims of greater legitimacy and greater say in the formation and control of the cabinet. The functioning of premier-presidentialism in Moldova, for example, is indicative of this problem. In 1996, Petru Lucinschi, the newly elected president of Moldova, faced the political setting similar to one which produced the periods of cohabitation on several occasions in France. In 1986, president Mitterand opted for nominating Chirac for the post of prime minister. The latter represented the ideal point of legislative majority. The same scenario was repeated in 1995 when the rightist president Chirac nominated a candidate who represented the ideal point of leftist majority in the parliament. The Moldovan president Luchinschi had chosen to nominate and secure the election of a candidate who was far from the ideal point of the one party majority in 1994-98 parliament and was rather on the president's side in the partisan divide of bipolar parliament's composition. Although in no way conclusive, the important difference between two French examples and more recent Moldovan case was in the fact that both Mitterand and Chirac opted to appoint politically opposite prime ministers at the times when they were facing an opposition majority in the parliaments whose electoral mandates were more recent than the presidents'. In case of Moldova in 1996, president Luchinschi was a new president facing two year old parliament in the appointment game.

Politicians' awareness of the importance of electoral timing for cooperation between the executive and legislative branches is reflected sometimes in the constitutional design. Besides the usual constitutional provisions requiring that the new cabinet be formed after parliamentary elections, the 1992 Lithuanian constitution stipulates that the cabinet has to "return powers" to the president after presidential

election takes place. One of the goals of including this provision into the constitution was to avoid a confrontation between newly elected president and incumbent cabinet. The effect of this provision on the functioning of government, however, has been ambiguous. There is uncertainty about the meaning of the formulation “return powers”. When it is understood as the resignation of cabinet then this provision is not likely to smooth the conflict between president and the parliament. Quite the contrary, the conflict over cabinet can escalate if the newly elected president demands the resignation of the cabinet and the parliamentary majority chooses to reject any alternative candidates offered by the president. Such considerations, probably, influenced the Lithuanian Constitutional Court’s decision in January 1998 to rule that the constitutional provision “the cabinet returns powers to the president” does not mean the automatic resignation of cabinet but only indicates that the president has to determine whether the cabinet still enjoys the support of the legislature (EECR, V.7, N.1, 1998).

*1991-92 acting cabinet of Gaidar in Russia.* The Gaidar cabinet holds the record among acting or interim cabinets in East European semipresidential regimes of staying in office the longest without being approved by parliament. The cabinet, although having a high turnover rate for individual ministers, stayed in office for eighteen months. Yeltsin, empowered by his recent presidential mandate, was not willing to submit another candidate for the legislative approval and the Russian parliament was not willing to accept Gaidar as a prime minister. Gaidar could not win support in the legislature, due to the fact that his cabinet was not representative of the parliament’s political composition. Especially at the initial stage, the cabinet consisted of radical liberal technocrats who did not have any substantial political backing in either the Supreme Soviet or the Congress of

People's Deputies. Each of these institutions had some legislative functions in the cumbersome structure of Russian government during the early stage of democratic transition. As Aslund (1996) notes, there were several able teams of economists ready to assume cabinet responsibilities in Moscow in Spring 1991. The choice of Gaidar's team was not dictated by some considerations of political representation or by the necessity to mobilize political support. It reflected a personal preference of Yeltsin and his advisers based on their vision of appropriate reform strategy at that period of time.

Both the president and cabinet – the constituent parts of the dual executive - faced a hostile environment in the legislature which opposed radical political and economic reforms. To perform its functions in the specific environment of executive-legislative deadlock, the cabinet had to rely on president Yeltsin's ability to get the important pieces of legislature through parliament and on his willingness to issue executive decrees, which did not require legislative approval. Ruling by decree was possible due to high popularity of the recently elected Yeltsin. The executive decree became a very important tool for overcoming the legislature's resistance towards reforms. On the other hand, reliance on executive decrees, known in the Latin American context as "decretismo" (O'Donnell, 1994), also led to a lack of democratic participation in policy design and implementation, to the defiance of representative institutions and an excessive concentration of political power in the office of president.

When the "honeymoon" effects of Yeltsin's democratic legitimacy started to fade away, parliamentary resistance towards both the president and his acting prime minister intensified raising the political costs of supporting an interim cabinet for the president.

*Presidential power of dissolution in cabinet appointment matters.* The outcomes of the appointment game can be dramatically altered if the constitution provides the president with the power to dissolve parliament when the cabinet formation process is deadlocked. There is a substantial variation from country to country in the constitutional provisions specifying the exact circumstances that entitle president to use dissolution powers. This variation cuts across the semipresidential divide between president-parliamentary and premier-presidential regimes and proves to be consequential to the process of cabinet formation.

In semipresidential regimes where the president can effectively apply the threat of dissolution, the outcome of the appointment game - the choice of a new prime minister – can be anticipated to be much closer to the ideal point of the president than in semipresidential regimes where the president does not have a legal right to dissolve parliament or where his threat of using this constitutional power is not credible. As discussed in the first chapter, the presidential threat to dissolve parliament becomes credible when the political costs that the president incurs in case of using this power are low.

The Russian experience since 1993 illustrates the enormous advantages in the cabinet appointment game that the power of dissolution brings to the president. Yet, the empirical research also suggests that the presidential threat of dissolution can have a different effect on parliamentary behavior. It can give a push toward the process of coalition formation which otherwise would not be formed or speed up the crystallization of an alternative choice for the prime minister. Thus, a legislative focal point can be

formed, as it happened several times in Poland, not around the candidate offered by the president but around the figure who reflects the preferences of the newly constructed majority coalition in parliament.

What factors influence whether the threat of dissolution will make the parliament accept the president's candidate or come up with their own alternative? Whose electoral legitimacy - the president's or parliament's - is "fresher" turns again to be an important political resource in the hands of one or the other side. Another important variable is the level and character of party system development as reflected in the composition of political factions in the parliament. When the parliament is fragmented and party factions are clientelistic rather than ideology based, then it is less likely that the parliament will produce an agreement on an alternative prime minister candidate. Thus, the combination of more recent legitimacy of the president, presidential power to dissolve the parliament and the fragmentation of parliament produces an interaction effect greatly enhancing the presidential ability to secure the appointment of his ideal prime minister.

*Effect of dissolution threats.* The formation of Kirienko's cabinet in Russia and the two consecutive cabinets headed by Ciubuc in Moldova demonstrate the impact that the presidential threat of dissolution can have on behavior of politicians in parliament. To illustrate the importance of the political composition of the legislature, this discussion is followed by a review of cabinet appointment outcomes in Poland.

Yeltsin's nomination of young technocrat Sergei Kirienko for the post of prime minister in March-April 1998 caused a mixed response in the Russian parliament. While at the beginning of the appointment process several parliamentarian factions declared about their support of Kirienko's candidature, the further deliberations were followed by

the consolidation of a parliamentary majority opposed to Kirienko's nomination (Izvestia 1998). The communist faction, the biggest one in the lower chamber of the Russian parliament, constituted the core of this opposition. Kirienko's nomination depended on getting some of the communist votes, which he failed to receive during two rounds of voting. After two unsuccessful attempts, parliament approved Kirienko's cabinet at the third try. A large group of opposition deputies changed their position during the third round and voted in favor of Kirienko's cabinet. The fear of dissolution was the reason for this particular change of position by communist deputies. This fear also explains the support of Kirienko by some other factions in the legislature.

The Russian constitution of 1993 stipulates that the president can dissolve parliament if the latter fails to confirm the president's nominee for the post of prime minister after three rounds of voting on the cabinet. Yeltsin opted to nominate the same candidate three times, leaving deputies with the choice to confirm Kirienko or to face dissolution. The majority of deputies choose the former option. The interesting question here is why opposition deputies, whose electoral prospects in the case of pre-term elections were rather high, voted for Kirienko. Two major factors explain the opportunistic behavior of the opposition deputies. First, the opposition leadership did not have full control of the rank-and-file members of their factions. Many deputies did not want to risk their positions by going through the struggle over place in the party list or a new electoral campaign in majoritarian districts. The Russian electoral law provides for a mixed electoral system: one half of the lower chamber's deputies are elected on party lists, the other half are elected in majoritarian districts. Second, there was a conflict of interests inside the opposition leadership. While the extremist leaders of the Communist

parliamentary faction argued against Kirienko's confirmation, the lower chamber's communist speaker and some committee heads were in favor of confirmation, given that parliamentary dissolution would lead to the loss of their privileged positions in the parliamentary hierarchy.

The Russian constitution of 1993 also influences the structure of preferences that parliamentary deputies have with regard to cabinet dismissal. The constitution stipulates that the parliamentary decision to dismiss a cabinet gives right to the president to dissolve parliament. This provision produces additional incentives for the president to impose his ideal choice of prime minister on the assembly, since there is a low probability that prime minister will be consequently dismissed by parliament. Thus, although parliament has the power of cabinet dismissal, presidential calculations with regard to cabinet appointment are not directly affected by the provision, allowing the parliament to dismiss the cabinet. In this sense, the cabinet appointment and cabinet dismissal stages of cabinet formation can be relatively independent. Under president-parliamentary constitutional frameworks similar to one found in Russia since 1993, presidential strategies with regard to cabinet appointment are much more dependent on provisions which enable president to threaten parliamentary survival than on the parliamentary power to dismiss cabinet.

In premier-presidential regimes, where parliamentary powers with regard to cabinet dismissal are much less restricted, the presidential calculations are different since the chances of a presidential cabinet being dismissed by parliament are much higher. In the case of the premier-presidential regime in Moldova in 1997, president Lucinschi was trying to secure the appointment of Ciubuc, his ideal candidate for the post of premier, despite parliamentary opposition to this candidate. Lucinschi had “fresher” electoral

legitimacy than parliament and was willing to tolerate the political costs of potential cabinet turnover. The fact that the president was just newly elected and enjoyed a high degree of popularity among the electorate made the opposition in parliament more acquiescent to presidential choices. When new parliamentary elections led to the emergence of a different coalition majority in parliament and Ciubuc's cabinet had to resign, president Luchinschi chose to nominate Ciubuc for a new term and won parliamentary approval. The fact that Luchinschi was able to impose his preferences on the stable parliamentary majority with more recent electoral legitimacy, and in a political system which granted to president only very limited dissolution powers, can be explained by specific political circumstances of that time. The president and new parliamentary majority belonged to the same political camp, thus the difference between president's and assembly's ideal points was not as dramatic as when the president and parliament belong to the opposite political camps. The presidential bargaining power was also enhanced by the fact that Ciubuc was an incumbent prime minister with relatively good performance record (EECR 1998).

*Presidential powers to dissolve parliament in matters not related to the process of cabinet formation.* The president, to increase his leverage in the cabinet appointment game can be tempted to use any type of dissolution powers provided for him by the constitution. The argument here is that the threat of dissolution can be transferred from one issue area to another.

Quite frequently constitutions provide presidents with the right to dissolve parliaments under circumstances other than deadlock in cabinet formation. Stalemate in the legislative process is one such circumstance. When the passing of an important piece



of legislation is blocked, the constitution writers' thinking went, the threat of dissolution may help to overcome disagreements, encourage cooperation among political actors involved, and secure uninterrupted functioning of the law making process. For example, the Moldovan constitution of 1994 empowers president to dissolve parliament when the passing of a draft law has been deadlocked for three months. The Polish constitutional amendments of 1990 and the Constitutional Acts of 1992 and 1997 grant to the president the power to dissolve parliament if the latter was not able to approve the budget within three or, according to the 1997 constitution, four months of its submission.

The critics of entitling the president with the right to dissolve parliament argue that the existence of such provisions can unjustifiably empower the president at the expense of parliament. Instead of facilitating consensual law making, such a constitutional norm may lead to undemocratic pressure on parliament to pass laws and decrees privileging the president and ignoring the interests of other actors in legislative process.

President Walesa's successful attempts to bring down Pawlak's cabinet in March 1995 and secure the appointment of several presidential confidants to important ministerial position in the successor cabinet illustrates how the power of dissolution in non-cabinet matters can be used by president to influence the outcomes of cabinet formation.<sup>15</sup> By not signing the tax law and thus delaying the passage of new budget, Walesa blocked the legislative process and explicitly threatened to dissolve the legislature after the three months' term allowed for the budget deliberations would

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<sup>15</sup> The Polish "Small constitution" of 1992 required the prime minister to consult the president with the regard to the appointment of three cabinet ministers: internal affairs, national defense, and foreign affairs. These portfolios became known as presidential portfolios. Control over these portfolios was a major issue underlying the conflict between Walesa and Pawlak's cabinet.

expire. The threat of dissolution was used by the president as a bargaining chip to demand from the left coalition majority in parliament the dismissal of Pawlak's cabinet in the hope of securing a new cabinet which would be more responsive to the needs of the president. The parliamentary majority, which was unsatisfied with Pawlak's cabinet because of its own reasons, opted to compromise with the president and passed the vote of no confidence.

*The absence of dissolution powers in constitutional design and its consequences for cabinet formation process.* One of the empirical regularities that helps to highlight the importance of dissolution powers in the cabinet formation process is the persistent differences in the outcomes of the appointment game in Russia and Ukraine. While the Russian and Ukrainian president-parliamentary regimes follow the same cabinet formation scheme, the Russian president is much more successful than his Ukrainian counterpart in securing the selection of a prime minister who is closer to his ideal point.

The difference in cabinet appointment outcomes stems from the fact that the Russian president, who had an opportunity to tailor the Russian constitution according to his own interests, is legally more powerful than the Ukrainian one. One of the main advantages of the Russian president lies specifically in his extensive ability to use dissolution powers. The absence of dissolution provision in the consecutive Ukrainian constitutional arrangements is a major factor for explaining why presidential control over the cabinet in Ukraine is weaker.

Theoretically, a president-parliamentary arrangement that does not award the effective dissolution power to the president has both advantages and disadvantages over those president-parliamentary regimes that do. One of the advantages is a higher

likelihood that the prime minister will be the consensual figure which reflects a true compromise between president and parliament. The prime minister is then less likely to be a presidential confidant imposed on parliament and later sabotaged by alienated parliamentary factions. The assembly's fixed term in office may also serve as an advantage. When the potential usurpation of power by the president is a major concern for the functioning of a political system, parliament, whose term in office is fixed and cannot be shortened, may represent an effective check on the executive abuse of power. This separation of the executive and legislature's origins and survival powers was Madison's solution for how to avoid tyranny on behalf of one branch of government.

The disadvantages of not having dissolution powers can be portrayed as a mirror image of the advantages. First, the process of cabinet formation can be stalemated especially when parliament is politically unstructured or extremely fragmented. Parliamentary deputies in these settings face a serious collective action problem, because they lack strong incentives, which the threat of dissolution is likely to produce, for cooperation with each other and the president. Second and more generally, when not tyranny but non-governability is perceived as a major threat to the functioning of political system, the absence of effective mechanisms to ensure cooperation inside the legislature and constructive relations between parliament and other political institutions can further the malfunctioning of political system.

The arguments about the drawbacks and the benefits produced by this specific constitutional provision are a part of more general discussion in the literature on political economy of transition about the consequences of having a strong executive (Haggard and Kaufman 1995). This literature stresses the importance of distinguishing among the

different phases of transition. In our particular case, the fact of having a stronger president was beneficial for the pace of political and economic reforms at the initial stage of the democratic transition in Russia. The economic literature on liberalization and privatization of the Russian economy stresses the crucial role that the presidential involvement in these matters played (Shleifer and Boyko 1995). Ukraine, on the other hand, is well recognized in the same literature as a reform laggard. Strong presidency with its majoritarian tendencies is more likely to become a liability during the later phases of transition when consolidation of reforms requires broad political support and involvement.

**Fragmentation in parliament and cabinet formation.** The literature discussing the experiences of semipresidential regimes emphasizes the importance of party system characteristics for understanding the actual functioning of semipresidentialism (Linz 1997; Stepan and Suleiman 1992). The political party system, which is shaped by societal cleavages, electoral laws and parties' internal organization, has a major impact on the organization and functioning of the legislative body.

The theoretical proposition advanced in the first chapter's analysis of a model semipresidential setting stated that if the president faces a fragmented multipolar parliament, he is likely to secure the appointment of prime minister closer to his ideal point compared to a president who faces a unified and opposite majority in the legislature. The argument why this would be the case was suggested by Shugart and Carey (1992) who described the causal mechanism in the following way. The fragmentation of parliament makes the aggregation of legislators' preferences over the choice of a prime minister, and arrival at the parliament's ideal choice, more problematic.

Building on Arrow's argument about instability of social choice (Arrow 1951), it can be also added that a fragmented parliament's choice of prime minister can prove to be very unstable. Potential instability is due to the fact that various parliamentary factions can act strategically and build majority coalition around the different candidates for the post of prime minister. The president can exploit these uncertainties and use his power of nomination to choose a candidate that would represent a focal point around which a parliamentary majority can be constructed.

*Prime ministers' political identity: empirical indicators.* Two categories were used in the previous table to classify the cases of cabinet formation. Cabinets were identified as located closer to the ideal point of the president or located closer to the ideal point of the legislature. It was sufficient for the purposes of the analysis of appointment-dismissal rules to distinguish only two categories of cabinet formation outcomes.

To examine the effects of parliamentary fragmentation on cabinet identity a more elaborate classification of cabinet formation outcomes is required. The fragmentation of parliament is not expected to change the sign indicating whether the premier is closer to the president or the legislature. The fragmentation is hypothesized, however, to have an effect on how close the choice of cabinet is to the ideal point of the president or the parliament. Both the president and the legislature may secure the selection of cabinets that would exactly reflect the ideal point of either of them rather than just being closer to one or the other's ideal point.

Following Shugart and Carey (1992) I assume that the fragmentation in parliament increases bargaining power of the president in the process of cabinet formation. I expect that when the president faces a fragmented multiparty parliament in

cabinet appointment game the cabinet will be closer to the ideal point of the legislature (-) in premier-presidential regimes and will be at the ideal point of the president (++) in president-parliamentary regimes. When the president faces an opposite stable majority than the cabinet is expected to be at the ideal point of the legislature (--) under premier-presidential framework and closer to the ideal point of the president (+) under president-parliamentary frameworks.<sup>16</sup>

The cabinet is considered to be located at the president's ideal point (++) if at the moment of cabinet formation: a) the media described the then-to-be elected prime minister as an ideal choice for the president; b) the appointed prime minister was the first candidate considered by the president for the nomination; and c) the prime minister did not belong to any of the three major parties represented in parliament and opposed to the president.

The cabinet is closer to the ideal point of the president (+) - that, is not at the president's ideal location but still closer to the ideal of the president rather than the parliament - if at the moment of the cabinet formation: a) the media described the prime minister as being closer to the president than to parliament; b) the prime minister did not belong to any of the three major parties represented in parliament and opposed to the president.

The cabinet is at the parliament's ideal point (--) if at the moment of the cabinet formation: a) the media described the then-to-be-elected prime minister as an ideal choice

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The outcomes of cabinet appointment game will diverge from these expectations when the president is willing to tolerate high cabinet turnover or an empty post of prime minister. As it was argued above, the level of tolerance depends on timing in non-concurrent electoral cycle and on presidential ability to influence the parliament's behavior through the control of dissolution procedure.

of the parliamentary majority; b) the prime minister belonged to the political party or coalition that secured the approval of the cabinet in the parliament;

The cabinet is considered to be located closer to the ideal point of the legislature (-) - that is, not at the parliament's ideal point, but still closer to the parliament's ideal point rather than to the president's one - if at the moment of the cabinet formation: a) the media believed this was the case; b) the prime minister, while not the first choice of the government party or coalition, was politically affiliated with that party or coalition.

*Parliamentary composition.* One way to classify the character of parliamentary composition can include the following categories: the president may coexist with an unstructured parliament, a structured fragmented parliament, or a parliament with a stable one party or coalition majority. The term unstructured refers mainly to the first postcommunist parliaments in countries where the political party system was an embryonic stage of development at the moment of the first free or partially free elections. Parliamentary composition is coded structured multipolar when the majority of deputies in parliament belongs to organizationally formalized and clearly delineated political party factions, neither of which controls the majority of votes itself or in stable coalition with other parties. The existence of a stable one party or coalition majority, which is usually based on a clearly identified ideological or programmatic position, is what differentiates this type of parliamentary composition from the previous two. The legislative majority can be also constructed in unstructured and structured fragmented parliaments, yet this majority will be unstable and fragile due to the lack of cohesion and existence of multiple divisions inside and among parliamentary factions. It will be also a situational majority defined not by the overall ideological stand but by the issue-specific circumstances.

To analyze the impact of parliamentary composition on the outcome of appointment game Table 2.5 below summarizes the data on parliamentary majority and parliament's position vis-à-vis president.



Table 2.5 Parliamentary Majority and Its Relationship with President

President	Parliament	Parliamentary Composition	Relationship with President Are parliamentary majority and president of the same political orientation?	Cabinet	Cabinet's Orientation at the Moment of Selection
Russia	5/91-9/93	unstructured	no	Gaidar 6/91-12/92	++ (ideal choice for president)
Yeltsin 6/91-12/93* <sup>17</sup>				Chernomyrdin 12/92-3/98	+ (closer to president)
Yeltsin 12/93-	12/93-12/95	fragmented	no	Chernomyrdin	
	12/95-	fragmented	no	Kirienko 4/98-8/98	++
				Primakov 8/98-5/99	- (closer to parliament)
				Stepashin 5/99-8/99	++
				Putin 8/99-	++
Ukraine	03/90-03/94	unstructured	no	Kuchma 10/92-9/93	-
Kravchuk 12/91-7/94				Zviagil'ski 9/93-6/94 (acting pm)	+
				Masol 6/94-4/95	-
Kuchma 8/94-5/95*	03/94-03/98	fragmented	No	Marchuk 6/95-5/96	++
Kuchma 5/95-5/96*				Lazarenko 6/96-6/97	+

<sup>17</sup> sign \* indicates not the end of the presidential term in the office but the change in country's constitution or specific constitutional arrangement regulating executive-legislative relations.

Kuchma 6/96-	03/98	Fragmented	no	Pustovoitenko 7/97-	+
<b>Moldova</b>  Snegur 12/91- 07/94* 07/94- 12/96	03/90-03/94	unstructured	no	Sangheli 6/92-12/96	+
	03/94-03/98	one party majority	No		
Lucinschi 12/96-			No	Ciubuc 1/97- 3/98	++
	03/98-	coalition majority	yes	Ciubuc 3/98-	++
<b>Kazakhstan</b> Nazarbaev 12/91- 01/93* Nazarbaev 12/93- 03/95* Nazarbaev 03/95-	03/90-12/93	unstructured	no	Tereshchenko 03/91-05/94	
	03/94-03/95	fragmented	No	Kazhegeldin 10/94-10/97	+
	12/95-	Fragmented	No	Balgimbaev 10/97-	++
<b>Romania</b> <sup>18</sup> Ion Iliescu 5/90-10/92	5/90-10/92	one party majority of National Salvation Front (NSF)	yes	Roman 5/90- 9/91  Stolojan 10/91-11/92	ideal for both president and parliament  ideal for both president and parliament
Ion Iliescu 10/92- 11/96	10/92-11/96	fragmented	No	Vacaroiu 11/92-11/96	-
Constantin	11/96-	coalition	yes	Ciorbea	ideal for both

<sup>18</sup> In Romania, mainly due to the concurrent electoral cycle, the parliamentary and presidential elections of 1990 and 1996 produced presidents and parliamentary majorities which belonged to the same political camp. Consequently, the difference between the presidents and parliaments' ideal points was minute, or, it can be said, that their ideal points coincide in all but Vacaroiu's case. There were media reports about president Constantinescu's uneasiness in nomination of Radu Vasile in Spring 98, yet the tensions between president and parliamentary majority had intraparty character

escu 11/96-		majority		11/96-3/98  Vasile 4/98-	president and parliament  --(ideal for parliament)
<b>Poland</b> Walesa 12/90- 10/92* 10/92- 11/95	6/89-10/91	fragmented	no	Bielecki 12/90-12/91	++
	10/91-9/93	fragmented	no	Olszewski <sup>19</sup> 12/91-6/92  Suchocka <sup>20</sup> 7/92-9/93	--  --
Kwasniewski 11/95-	9/93-9/97	coalition majority	no   yes	Pawlak 10/93- 3/95   Oleksy 3/95- 2/96  Cimoszewicz 2/96-9/97	--   -  ideal for both president and parliament
	9/97-	coalition majority	no	Buzek 9/97	--
<b>Lithuania</b> Brazauskas 02/93- 12/97	11/92-11/96	one party majority	yes	Lubys 12/92- 03/93  Slezevicius 03/93-	ideal for both president and parliament
	11/96-	One party majority	no	Vagnorius 12/96-	--

<sup>19</sup> After nominated by Walesa DU's leader Geremek gave up the efforts to form cabinet lacking the parliament's support.

<sup>20</sup> One month after being nominated by Walesa Polish Peasant Party's leader Pawlak resigned because of lack support in the parliament.

Adamkus 1/98-			no	Vagnorious 12/96	--
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Sources: Data from East European Constitutional Review (1992-99), Europa World Year Book (1990-1999); author's calculations

A summary of findings from this table is presented in Table 2.6 below. Table 2.6 groups the cases of cabinet formation according to two dimensions, parliamentary composition and cabinet location. Numbers in the cells indicate how many cabinets fall into each category. To distinguish the cabinets that were formed under premier-presidential and president-parliamentary constitutional rules the labels “premier-presidential” and “president-parliamentary” are attached to the numbers in the cells. The table includes only those cases of cabinet formation where the preferences of the president and the legislature over the choice of cabinet diverge. Unless there are explicit media accounts of conflict over the choice of cabinet, it is assumed that the preferences of the president and the parliamentary majority, which share the same party identification, do not differ.

**Table 2.6 Parliamentary Composition and Cabinet Formation Outcomes: Distribution of Cases, 1991-99 (Number of Cases and Regime Type)**

Parliamentary Composition	Location of Cabinet			
	+ (Closer to President)	++ (Ideal for President)	- (Closer to Parliament)	-- (Ideal for Parliament)
<b>Bipolar</b>	1 (premier-presidential)	2 (premier-presidential)	1 (premier-presidential)	5 (premier-presidential)
<b>Fragmented</b>	3 (president-parliamentary)	4 (president-parliamentary) 1 (premier-presidential)	2 (premier-presidential)	2 (premier-presidential)
<b>Unstructured</b>	1 (premier-presidential) 1 (president-parliamentary)	2 (president-parliamentary)	2 (president-parliamentary)	

The data provided in the table indicates that there are mixed evidences for the hypothetical relationship between parliamentary composition and cabinet appointment outcomes. Bipolar composition characterized some legislatures only in premier-presidential regimes. Nine cabinets were formed in parliaments that had bipolar composition. Five of nine cabinets were at the ideal point of parliament. This confirms the expectation that the outcomes of cabinet formation in premier-presidential regimes will reflect the ideal point of parliament whenever the president faces an opposite stable majority in bipolar parliament.

No similar pattern of cabinet location can be distinguished in fragmented parliaments. Both in president-parliamentary and premier-presidential regimes the outcomes of cabinet formation were almost equally distributed between alternative categories of cabinet location. In president-parliamentary regimes, where fragmentation was expected to help the president to secure the selection of his ideal candidates, four cabinets reflected the ideal of the president and three cabinets were only closer to the president's ideal point. In premier-presidential regimes, where fragmentation should have prevented the legislature from securing the selection of its ideal cabinet, two cabinets were closer to the parliament's ideal point and two reflected the parliament's ideal point.

The outcomes of the cabinet appointment game were even more diverse when president had to deal with unstructured legislatures. The expectations for cabinet location in unstructured parliaments were similar to the expectations for cabinet location in fragmented legislatures. Table 2.6, however, shows that the actual location of cabinets in unstructured legislatures runs contrary to the theoretical projections for both president-parliamentary and premier-presidential regimes.

Since cabinets formed in fragmented parliaments constitute the largest category in the table the effects of fragmentation deserve further consideration. The table indicates that two premier-presidential cabinets in cases where the president had to deal with fragmented legislatures turned out to be on the assembly's ideal point. This is a puzzling finding. The explanation for this finding should be sought not in the degree but in the quality of party fragmentation

*Ideological versus clientelistic fragmentation in parliament.* The Polish and Russian experiences under Walesa and Yeltsin's presidencies illustrate how the variation in the degree and quality of parliamentary fragmentation influences the presidential strategies in the appointment game and how it shapes the other aspects of president-parliamentary interactions.

After the 1990 presidential elections, Walesa managed to win the support of the semi-democratically elected parliament for his choice of Prime Minister. The fact that parliamentary deputies approved Jan Krzysztof Bielecki, an unknown politician and a leader of the minor Liberal-Democratic Congress, is partly explained by the tacit consent of parliament to tolerate the newly elected president's desire to have a prime minister who would be the most convenient figure for the president (Jasiewicz 1997). The conciliatory stand of parliament was due to the legislature's problematic legitimacy. Given the fact that the 1989 parliamentary elections were not entirely democratic and actually guaranteed the communists and their allies 65 percent of seats in the Sejm, the lower chamber of parliament, the parliament members opted to approve the presidential candidate.



The situation changed after the 1991 parliamentary elections. A new parliament, possessing both full democratic legitimacy and a recent electoral mandate, had no intentions to satisfy presidential ambitions and follow his preferences in forming the cabinet. Composed of more than thirty political entities with the strongest party controlling only 13.5 percent of seats, this parliament faced insurmountable difficulties in aggregating preferences and overcoming the collective action problem. The theoretical expectation for this type of environment was that the presidential nominee will become a focal point around which some parliamentary majority can be constructed. Walesa's ideal preference was to continue with Bielecki's cabinet but several parliamentary factions were uncompromisingly opposed to the incumbent cabinet. Walesa chose to nominate Bronislaw Geremek, the leader of the Democratic Union parliamentary faction, whose candidacy did not find the support in parliament either. After these repeated failures to form the new cabinet, the informal initiative in the process of cabinet nomination passed from the president to parliament. The coalition of five parties emerged which favored a minority cabinet headed by Jan Olszewski, the leader of the Center Alliance. Walesa reluctantly had to nominate Olszewski to the post of prime minister in December 1991. This round of the appointment game was thus characterized by the fact that the informal nomination initiative resided in parliament.

The story repeated itself when a new round of cabinet formation took place after Olszewski's resignation in June 1992. Unexpectedly for many observers, Walesa proposed Waldemar Pawlak, the leader of the Polish Peasant Party, as the new prime minister. Facing the lack of support for his candidate in the parliament, Walesa threatened to call for new parliamentary elections if a compromise about the formation

of cabinet was not reached. The presidential threat of dissolution did not make political factions in parliament accept the presidential candidate but, quite to the contrary, stimulated a new round of negotiation and the formation of a coalition which proposed its own candidate for the post of prime minister, Hanna Suchocka of the Democratic Union. Walesa's formal nomination of Suchocka followed the formation of Suchocka-led post-Solidarity coalition.

In both cases, the presidential nomination initiatives did not help to construct a working majority which would be supportive of the president in parliament. The initial cabinet nominations suggested by the president were not supported and the cabinets that were eventually formed acted in opposition to the president. Intense intra-executive competition followed the formation of both cabinets.

Why did the presidential choice of a prime minister become a focal point for majority construction in Russia and not in Poland? The variation in behavior that political parties exhibited during the process of cabinet is an important variable which contributed to the diverging political outcomes. Ideologically structured, although very fragmented, party factions in 1991-93 Polish parliament, which had a "fresher" electoral mandate than the president elected in December 1990, were able to produce a viable alternative to the presidential choice of prime minister. Politically and organizationally, the more amorphous parliamentary factions in the 1991-93 Russian parliament faced more acutely the problem of collective action and were more willing to accept the presidential choice of cabinet.

Greater legitimacy of parliament and the presence of ideologically oriented and organizationally disciplined factions may thus impose a check on the president's

ambition to influence the process of cabinet formation in order to have full control of the cabinet. The presidential choice of prime minister is more likely to be a focal point for constructing a parliamentary majority when the electoral legitimacy of president is of more recent origins and parliamentary organization is structured along clientelistic rather than programmatic lines.

### **Institutional variation and dismissal stage of cabinet formation**

Discussing the logic of the appointment game at the beginning of this chapter, the argument was made that provisions regulating cabinet dismissal enter the presidential calculations at the stage of cabinet appointment. Presidents were hypothesized to be constrained in their ambitions to secure the selection of their most preferred candidates for prime minister by the fact that parliaments in all semipresidential regimes have the power to dismiss the cabinet. The empirical analysis undertaken in later sections of this chapter has shown that quite often presidents did manage to secure the appointment of prime ministers which were much closer to the presidential ideal point than the theoretical model would suggest. This evidence suggests that under specific circumstances presidents are more likely to accept the risks that loyal prime ministers will soon be dismissed by parliament and are more willing to tolerate a considerable rate of cabinet turnover. The timing of presidential and parliamentary elections, constitutional norms granting to the president the power of assembly dissolution, and the degree and type of parliamentary fragmentation were all contributing factors which explain why

some empirical outcomes of appointment game diverged from the theoretically expected outcomes.

What follows below is the analysis of how the same set of factors influences the calculations and strategies of politicians at the dismissal stage of cabinet formation. While appointing the cabinet does not require any specific justification - there is functional need in having *a cabinet* – the reasons for cabinet dismissal are always cabinet-specific. These reasons can be conceptualized as based on some external or internal shocks affecting the functioning of cabinet.. External shocks may encompass a number of exogenous factors such as intense labor protests, high rates of inflation, or waste in government spending, all of which symbolize specific policy failures (Laver and Shepsle 1996). The internal shocks are produced by the constitutional founders of cabinet, the president and parliament. The analysis of external shocks and their impact on the fate of cabinets is beyond the scope of this research. Here we focus on the variation in factors which are internal to the constitutional framework

*Electoral cycle and cabinet stability.* The fact that the cabinet in semipresidential regimes is constituted by the common efforts of the president and parliament has some important consequences for determining what length of office term is to be considered normal for cabinet. Does the election of a new president or parliament in countries with a nonconcurrent electoral cycle signify that old “contract” signed by two principals to produce the incumbent cabinet has expired? Does it also imply that change either in the presidential office or in the legislature should automatically lead to the resignation of cabinet?

In all premier-presidential regimes, the cabinet has to resign after a new round of parliamentary elections. Cabinet resignation is a constitutional norm common to both premier-presidential and parliamentary regimes. The issues of whether presidential elections should lead to the resignation of an incumbent cabinet turn out to be more problematic both for constitutional theory and political practice. Many premier-presidential regimes, which are characterized by a high degree of parliamentary control over the cabinet, opted not to consider the election of the president as a sufficient reason for cabinet resignation. The ambiguity in the formulation of constitutional norms regarding cabinet resignation, however, was not entirely avoided.

The issue of cabinet resignation became the source of conflict between the executive and legislation in Lithuania. The 1991 Lithuanian constitution stipulates that the cabinet has to return powers to the new president after a presidential election takes place. The norm was expected to help to avoid the conflict between the newly elected president and incumbent cabinet. Discussion about the interpretation and the exact meaning of this norm was initiated by Vagnorius' cabinet during the presidential campaign in Autumn 1997, when the prospects of a new president coming to office made the continuation of Vagnorius cabinet's stay in power problematic.

The issue was considered in the Constitutional Court which ruled that the ambiguous wording "cabinet has to return powers" does not mean that cabinet has to resign after a new president has been elected. The ruling notes that cabinet rests on the confidence of the legislature, and as long as the parliament supports the cabinet, the latter can remain in the office. "To return powers" was interpreted as merely a right for the president to check whether the cabinet still has the confidence of the parliament. Whether

this constitutional court's ruling will be a sufficient constraint on presidential ambition to control the cabinet depends on the routinization of this norm into political practice. Interestingly enough, the candidate who led in the polls in the presidential campaign of 1997 was campaigning for an increase of presidential powers over the cabinet and for the strengthening of the presidential role in legislative process. The fact that he lost less than one percent of votes to the candidate who won the election indicates that option of having a president with higher non-legislative and legislative powers is not totally discarded in the Lithuanian political discourse.

President-parliamentary constitutions in Russia, Ukraine, and Kazakhstan require the cabinet's resignation after presidential elections take place. Whether this norm encourages the coexistence of the newly elected president with parliament or, to the contrary, has a tendency to alienate the legislature and lead to conflict over cabinet formation is difficult to investigate empirically due to data limitations.

Both in Russia and Kazakhstan, where this constitutional norm has been in place since 1993, the second round of presidential elections led to the reelection of incumbent presidents that opted to reappoint the incumbent cabinets. In Ukraine, the new president took office after the 1994 presidential elections, but it did not trigger the resignation of cabinet since constitutional provisions requiring resignation were adopted only in the new constitution in June 1996.<sup>21</sup>

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<sup>21</sup> The second Ukrainian president Kuchma co-existed with the cabinet inherited from parliament's contract with the previous president for almost nine months. This coexistence did not mean, however, that the president accepted the continuing concentration of executive functions in the hands of cabinet selected without his participation. Strategies that the Ukrainian president used to acquire the control of executive in 1995-96 will be discussed in the next chapter dealing with the nature and consequences of intra-executive conflict.

*Cabinet dismissal-related dissolution powers of president.* Shugart and Carey's (1992) major criticism of president-parliamentary regimes is directed on the constitutional provision that allows both the president and parliament to dismiss cabinet. This so-called symmetry of dismissal powers, according to the authors, provides no incentive for negotiation and compromise for either of principals at the stage of cabinet dismissal and leads to the "confused" responsibility on the part of cabinet leader and cabinet members. Among president-parliamentary regimes discussed here, only Ukraine systematically experienced this type of problem.

Comparative analysis of the exact design of constitutional framework in Ukraine and two other president-parliamentary regimes, Russia 93- and Kazakhstan, reveals striking differences in the degree of presidential control of dissolution powers. Both the 1993 Russian and two consecutive Kazakh constitutions, which were designed almost single-handedly by the countries' presidents, give the presidents the option of dissolving parliament when the latter votes no-confidence in the cabinet. In Ukraine 1991-95, the amendments to the old Soviet constitution explicitly prohibited the president from dissolving parliament under any circumstances. The Ukrainian president Kuchma, whose bargaining power in the constitution-making process was much weaker than that of Yeltsin or Nazarbaev, was also unsuccessful in securing cabinet dismissal-related dissolution powers in the new constitution adopted in June 1996.

Although the parliamentary deputies' fear of dissolution was not the only major factor which contributed to the high cabinet stability both in Russia and Kazakhstan during the first years of transition, the presidential ability to threaten parliament's

survival undoubtedly made cabinet dismissal much costlier for the deputies in the Russian and Kazakh legislatures than for the politicians in the Ukrainian parliament.<sup>22</sup>

To modify parliament's behavior the threat of dissolution should be credible in two possible senses. First, a president who threatens parliament with dissolution should be likely to dissolve parliament if the latter passes a vote of no-confidence. Credibility of the threat in this sense depends on the political costs the president will have to bear if he decides to dissolve parliament. The lower these costs are, the higher the credibility of presidential threat is. Second, there should be a high probability of the diminished chances of reelection for the majority of parliament members. Especially in clientelistically-based party systems, higher uncertainty about the outcomes of the next parliamentary elections breeds parliament members' compliance with presidential preferences regarding the cabinet's stay in power.

The majority of premier-presidential constitutions do not give the president the power to dissolve parliament when the latter votes cabinet out of office. Lithuania and Poland 92-97 are the examples of premier-presidential regimes that, on the contrary, threaten the legislature's own survival when the parliament votes cabinet out of office. Their respective constitutions give to the president two options for reacting to a vote of no confidence in parliament: either to accept the resignation of cabinet and nominate a new prime minister, or to dissolve parliament. In case of the Small Constitution of 1992 in Poland, these options were available for the president only if parliament passed a non-

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<sup>22</sup> The examining of the effects of the dissolution threat on the willingness of parliament to dismiss cabinet is, however, a difficult project from the methodological point of view since the alleged outcome of dissolution threat is not some actions taken by parliament but rather inactions, namely the absence of actions directed on ousting the cabinet.



constructive vote of confidence, that is, if parliament voted the cabinet out of office without naming its successor.

By threatening the survival of the legislature in office, the president, who at the appointment stage of cabinet formation managed to secure a prime minister closer to his ideal choice, can make his cabinet choices stick when a parliamentary majority is fragmented and concerned more about its survival than about policy issues. The existence of an ideologically coherent and stable majority in parliament implies very often that the political costs of dissolution are prohibitively high for the president, thus making the presidential threats of dissolution not very credible.

***Parliamentary fragmentation and cabinet stability.*** Politically weak cabinets are the products of parliamentary fragmentation. The fragmentation in parliament makes the support for incumbent cabinet unstable. A majority constructed at the time of cabinet selection may rapidly disintegrate when random external shocks such as specific policy failures make supporting the cabinet unattractive or politically costly for some of the political factions in parliament. Alternatively, some parliamentary faction may succeed in building a situational majority around another candidate for the post of prime minister and vote the incumbent cabinet out of office. According to both lines of reasoning, these cabinets which do not rest on a stable and disciplined majority in parliament are not as well suited as majority cabinets to withstand both external policy shocks and strategic manipulation on the part of cabinet challengers. They are also expected to stay in office for shorter periods of time.

One way to test this hypothesis is to examine how variations in parliamentary fragmentation under the same constitutional framework correlate with cabinet stability<sup>23</sup>. As **Table 2.5** shows, the following parliaments had a disciplined one-party or coalition majority which was stable during the whole period that parliament was in office: Moldova 94-98; Romania 90-92, 96-; Poland 93-97, 97-; Lithuania 92-96, 96. All these parliaments coexisted or continue to coexist with one or, at most, two cabinets. The only exception was the 1993-97 Polish parliament where coalition majority of Democratic Left Alliance (SLD) and Polish Peasant Party (PSL), while remaining the ruling coalition during the whole office term, lived with three consecutive cabinets. The fact that the Polish constitutional framework of 1992-97 was semipresidential provides some explanations for this cabinet instability. As Jasiewicz'(1997) excellent account of Walesa's presidency indicates, the Polish president, facing a hostile majority in the parliament, played the crucial role in organizing the chain of circumstances which made the parliamentary majority vote out of office two consecutive cabinets of the same political orientation as the ruling majority.

The importance of considering the role of president for explaining cabinet stability or instability is even more pronounced in president-parliamentary regimes. There is no correlation between fragmentation in parliament and cabinet turnover rate in Russia and Kazakhstan. As it was already discussed, the presidential ability to threaten parliament's survival if the latter votes the cabinet out of office constitutes a formidable constraint on willingness of parliament members to dismiss cabinet in semipresidential regimes of Russia 93- and Kazakhstan.

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<sup>23</sup> A more detailed analysis of factors influencing cabinet stability in semipresidential regimes is undertaken in chapter 3 of this research. Parliamentary fragmentation is only one the determinants of the rate of cabinet turnover.

Another constitutional device used to discourage volatility in the parliamentary support of cabinet is a norm of a constructive no-confidence vote. Several premier-presidential constitutions in the region require the parliament to name cabinet's successor in order to have vote of no-confidence successfully carried out. A constructive no-confidence vote is the only option for cabinet dismissal left for the parliamentary deputies in the 1997 Polish constitution. The 1992 small constitution allowed the parliament to dismiss the cabinet without naming its successor. For the designers of new Polish constitution, the dismissal of Suchocka's cabinet carried by a single vote in the parliament in May 1993, became an important learning experience in this respect.

The provision of a constructive no-confidence vote is also responsible for the surprising cabinet stability in the fragmented 1992-96 Romanian parliament. A minority cabinet headed by politically unaffiliated economic official Vacaroiu included the members of the presidential party Democratic National Salvation Front (DNSF) and technocrats. Nominated by president Iliescu who choose non-partisan Vacaroiu in a hope to construct a propresidential majority in parliament, Vacaroiu's cabinet was supported by DNSF faction and several smaller groups in parliament. When the initial support for the cabinet disintegrated, the opposition carried five motions of no-confidence, all of which were unsuccessful in constructing a majority around the alternative choice of cabinet. Vacaroiu's cabinet stayed in office till the end of parliamentary term.

## **Conclusion**

This chapter has analyzed whether the empirical outcomes of cabinet formation fit the theoretical expectations advanced in the previous chapter. It was argued in the first

chapter of this research that the cabinet location depends on the distribution of cabinet appointment-dismissal powers between the president and the legislature. The empirical analysis undertaken in this chapter has supported the basic hypothesis about how formal constitutional powers affect the outcomes of cabinet formation. In more than seventy percent of cases the empirical outcomes conformed to the theoretical expectations based on the spatial model of cabinet location. The fit between the theoretical predictions and the actual outcomes was similarly high both in cases where the premier was expected to be closer to the president's ideal point and where the model predicted the premier to be closer to parliament's ideal point.

I have argued that the effects of other institutional factors explain a divergence between theoretical expectations and actual outcomes in the remaining cases of cabinet formation. One of these factors was the effect of non-concurrent electoral cycle, which provided a "legitimacy advantage" to the most recently elected branch of government. The second was a constitutional norm specifying presidential powers to dissolve parliament when the process of cabinet formation is stalled. The third was the degree and quality of fragmentation in parliament. Parliaments that were fragmented and clientelistically structured have acquiesced more to presidential preferences over the choice of prime minister than bipolar or fragmented legislatures dominated by programmatic parties. I have also shown that the same set of institutional factors influences the calculations and strategies of politicians at the dismissal stage of cabinet formation.

### Chapter III

#### Intraexecutive Conflict and Cabinet Stability

The research on how the different branches of government relate to each other in democratic settings highlights the importance of understanding the executive-legislative relations in both presidential and parliamentary forms of government. The scholars of semipresidentialism are also interested in understanding the dynamic of intraexecutive relations (Duverger 1980; Stepan and Suleiman 1995). Given the salience of interactions between president and prime-minister in the overall functioning of the political system, semipresidential regimes are often labeled as regimes with a dual executive. The term is somewhat misleading since there is a substantial ambiguity about whether the presidency should be regarded as a part of the executive or as an institution that stands apart from the executive branch of government. Several East European semipresidential constitutions have separate constitutional articles explicitly specifying the “unaffiliated” status of the president<sup>24</sup>. However, since many powers awarded by the semipresidential constitutions to the presidents functionally belong to the domain of executive responsibilities, the usage of the term “dual executive” can be justified.

This chapter examines how the variation in presidential and parliamentary powers over the cabinet, and in the degree of parliamentary fragmentation, affects the probability of intraexecutive competition in semipresidential regimes. Intraexecutive relations deserve a special consideration because of the impact they have on two other important

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<sup>24</sup> The political and legal debates regarding what branch of government the president should belong to have taken place since the beginning of 1990s. Largely due to the popular discontent with the functioning of the executive branch, incumbent presidents have developed an interest in distancing themselves from the cabinets in the eyes of electorate. This evolution has been reflected, for example, both in the 1993 Russian and 1996 Ukrainian constitutions which specify the special legal status of president who does not belong to any of three branches of government in the respective political systems.

concerns of this research. First, conflictual intraexecutive relations are expected to have an adverse effect on cabinet stability. Whether intraexecutive competition is associated with a higher rate of cabinet turnover is examined in the second part of this chapter. Second, intraexecutive competition is expected to constitute the major obstacle for the restructuring of the central government. The effects of intraexecutive conflict on the character of central government reform in semipresidential regimes are examined in the next chapter.

Intraexecutive dynamics, in turn, are largely determined by the relationship between the president and parliament. Intraexecutive conflict is one possible manifestation of underlying executive-legislative structural divide that characterizes semipresidential regimes. Competing political legitimacies, rigid terms of office, differing electoral bases, and often opposite ideological orientations of the president and parliament are in-built characteristics of semipresidential constitutional frameworks which lay the grounds for the potential conflict between the president and parliament. Different political or ideological orientations of the president and legislature substantially increase the chances of such conflict.

Intraexecutive conflict is defined here as political competition between president and premier over the control of the executive branch of government. Parliamentary support is the foundation on which premier claims the authority to control the executive branch of government. As argued in the first chapter, given its subordinate status, the cabinet cannot act on its own, it has to seek the support of its principals. When the principals are in conflict, the cabinet has to choose between conflicting political allegiances. Having a stable and internally coherent majority in parliament makes it more

likely that the cabinet, which is partly the product of that majority's choice, will follow the preferences of the parliamentary majority. Intraexecutive conflict takes place when the president in his quest for control of the executive has to face the premier who is backed by the legislature.

Political conflict is structured along the alternative lines when political process in semipresidential regime is characterized by the recurrent alliances between president and premier vis-à-vis parliament. When the premier chooses to pursue the interests of the president rather than those of parliament, the dual executive is a "united" executive. The major line of conflict is then between the united executive and parliament. The term executive-legislative conflict is reserved here for this type of political phenomenon characterized by the salience of the executive-legislative divide and subdued nature of intraexecutive competition.

It is the argument of this chapter that in order to understand whether a particular semipresidential regime is more likely to experience the intraexecutive or the executive-legislative type of political conflict one has to examine the exact features of semipresidential constitutional design. Control of cabinet dismissal powers is a key element for understanding the likely alliances among three institutional players – president, parliament, and cabinet – under semipresidentialism. The character of parliamentary composition – degree of political fragmentation – is another important variable that mediates the effect of cabinet dismissal provisions.

**Technocratic and minority cabinets: agent's incentive structure in dealing with competing principals.**

When a stable and coherent majority prevails in parliament and the parliament has unilateral power to dismiss cabinet, cabinets pursue the interests of the parliamentary majority. Even if the cabinet was initially the compromise outcome of strategic interactions between the president and parliament, it is likely to drift during its tenure in office to the ideal point of parliament.

Cabinets face quite a different political environment when they lack stable majority support in parliament. Politically weak cabinets are not uncommon in postcommunist democracies. **Appendix 3.1** at the end of this chapter indicates the political status of prime minister and cabinet type for all cabinets in eight East European countries that have experimented with semipresidential constitutional design. Of 41 cabinets formed during 1990-99 period 25 cabinets did not have formal political affiliation and 4 cabinets were either single party or coalition minority governments. Cabinets whose political identity is not formally defined are often described as technocratic governments. They are usually composed of policy experts and state bureaucrats and are expected to demonstrate a higher degree of immunity from partisan political pressure<sup>25</sup>. The downside of the absence of clear party affiliation is the inherent political weakness of technocratic cabinets. They have to rely on a situational majority in the legislature and what support they can count on is always conditional.

Technocratic cabinets are mainly the products of fragmented parliaments. When a stable one party or coalition majority exists in parliament, such majority can only rarely acquiesce to a politically unaffiliated cabinet. Control of cabinet portfolios is the goal of

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<sup>25</sup> The lack of political partisanship was perceived by some analysts as an advantage of technocratic cabinets facing the task of introducing unpopular measures. As Haggard and Kaufman (1995) argue, the same feature of technocratic cabinets turned into a major liability when the task of reform consolidation required the broad political support for governmental policies.



politicians. At the same time it is also a tool for achieving other political objectives that party may have. Only when political parties are internally and politically weak they might delegate the executive power to the technocratic government.

The conceptualization of relationships among the president, parliament and cabinet in terms of the principal-agent organizational model is beneficial primarily for the analysis of the functioning of technocratic cabinets. The model in chapter 1 highlights the potential for the alternative alliances that the cabinet can be engaged in when the president and parliament are opposed to each other. It also specifies what rules of the “contract” – semipresidential constitution – have the largest impact on the agent’s behavior.

The technocratic cabinet’s loyalty is expected to depend largely on sanctioning rules provided by the constitution. Cabinet dismissal is the most powerful sanctioning instrument against the premier. Premier-presidential constitutional regimes, which grant cabinet dismissal powers exclusively to parliament, are thus expected to have cabinets that would consistently stay loyal to parliament. An alliance between president and premier against parliament is highly unlikely. If political conflict over the control of executive takes place under premier-presidentialism, it is likely to be expressed in the form of intraexecutive competition. The president would be facing a premier who relies on the support of parliament.

It is more difficult to anticipate likely coalitions in president-parliamentary regimes. A President-parliamentary constitutional framework provides both president and parliament with the unilateral right to dismiss the cabinet. The fact that both principals can sanction the premier’s behavior makes the distribution of cabinet dismissal powers a

less effective predictor of both the cabinet's likely strategies and the resulting political conflict. When there are additional constitutional provisions which impose substantial constraints on the ability of either of the principals to censure the cabinet, cabinet dismissal provisions can provide some theoretical guidance. For example, because the 1993 Russian constitution severely limits parliamentary discretion over cabinet dismissal, we would expect Russian political practice to be characterized by the united stand of president and premier against the legislature. Executive-legislative, rather than intraexecutive competition, should shape the Russian politics.

The analysis of constitutional provisions, on the other hand, cannot tell us much about the likely patterns of conflict in president-parliamentary regime of Ukraine where the presidential and parliamentary powers of cabinet dismissal are symmetrical and unconstrained. For guidance here, we need to examine what other political factors influence the premier's strategies in dealing with the principals who have symmetrical powers of cabinet dismissal.

### **Instances of high level of intraexecutive conflict in semipresidential regimes of Eastern Europe.**

Intraexecutive conflict was previously described as political competition between the president and prime-minister over the political use of resources available to the executive branch of government in general and over control of cabinet appointment policies in particular. There are several methodological issues related to the measurement of intraexecutive conflict. First, what should be considered an instance of intraexecutive conflict? A narrow definition of intraexecutive conflict is adopted here. A high level of

intraexecutive conflict defines the co-existence of the president and the cabinet when there is an open and recurrent contestation either by the president or premier over cabinet appointments, and/or policies adopted by the executive government.

The potential for controversy between the president and prime-minister over individual cabinet appointments is especially large in president-parliamentary systems where the “technocratic” and not the party representation principle predominates in the formation of cabinets. The technocratic principle is formally based on the selection of cabinet candidates according to their individual qualifications for specific governmental positions. Other things being equal, this principle offers more opportunities for presidential discretion in cabinet nominations than the cabinet formation process which gives the parties with the largest number of seats in the parliament the right to form one party or coalitional cabinet. As discussed in the previous chapter, whether the technocratic or the party representation principle is used for the formation of the cabinet depends on the character of the party system.

Media and scholarly accounts of intraexecutive relations were used to identify the cases where the high level of political contestation characterized the co-existence of the president and the cabinet. For president-parliamentary regimes, public statements by presidents that explain the presidential official rationale for initiating cabinet dismissals were also examined. The type of conflict we are interested in capturing, however, was not the only cause of cabinet dismissal initiated by the president. Cabinet dismissals caused by policy failures, cabinet internal disagreements, etc. were not counted as dismissals triggered by the intraexecutive political competition<sup>26</sup>.

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<sup>26</sup> The reasons for policy failures may vary greatly making it difficult to make any reasonable judgements about the likely length of office term for any particular cabinet. Factors such as flawed policy designs,

Comparative cross-country analysis of intraexecutive relations was facilitated by the fact that East European Constitutional Review publishes quarterly country reports that include the detailed accounts of executive-legislative relations in postcommunist region. **Appendix 3.2** lists all semipresidential cabinets in eight Eastern European countries and indicates the level of intraexecutive conflict during the incumbency of each cabinet. When no major disagreements between the president and parliament with regard to appointment and policy issues were reported the intraexecutive relationship was considered to be harmonious. Episodic conflicts which arose from specific issues were qualified as indicating the low level of conflict. When tensions between president and premier were persistent and evolved not around one or few specific issues but around the general principles of subordination and accountability in the executive, the level of conflict was considered to be high.

Another measurement problem arises when one considers the possibility of latent and covert intraexecutive contestation. Hidden conflicts cannot be captured with such indicators as media accounts or politicians' public statements. Hidden conflicts, however, signify that intraexecutive competition is subdued. As such, it will have a lesser effect on the functioning of the political system. Hidden conflicts denote the potential or structural predisposition of the semipresidential regime toward political conflict based on intraexecutive competition

Table 3.1 below summarizes the empirical data on the instances of pronounced intraexecutive conflict in the East European semipresidential regimes. The cases are

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implementation obstacles, or unexpected exogenous shocks can all contribute to the cabinet's policy failures and ultimate survival in the office.

denoted by the name of the premier during the tenure of which the intraexecutive competition took place.

**Table 3.1 Cases of High Level of Intraexecutive Conflict in East European Semipresidential Regimes, 1991-99<sup>27</sup>**

		Parliamentary Composition	
		Stable Majority	Fragmented
Type of semipresidential regime	<b>President-Parliamentary</b>		Russia 95 (Primakov cabinet) Ukraine 93 (Kuchma cabinet) Ukraine 96 (Marchuk cabinet) Ukraine 97 (Lazarenko cabinet) Kazakhstan 97 (Kazhegeldin cabinet)
	<b>Premier-Presidential</b>	Poland 94 (Pawlak cabinet) Poland 95 (Oleksy cabinet)	Poland 92 (Olszewski cabinet)

<sup>27</sup> The purpose of this table is to list all cases of intense intraexecutive competition found in my sample of semipresidential regimes. Two dimensions, regime type and parliamentary composition, are provided only to illustrate how the cases are distributed along two principal dimensions. There is no claim made that a certain combination of regime type and parliamentary composition causes intraexecutive competition. Since regime type and parliamentary composition are not the independent variables, this table is not an example of selecting on the dependent variable. Including both the cases of high and low levels of conflict in Table 3.1 would make the presentation difficult given that there are more than thirty cases of low level of intraexecutive conflict that would need to be included in the table.

The table shows that two political regimes were especially prone to the intraexecutive competition: the premier-presidential regime in Poland and the president-parliamentary regime in Ukraine. In Poland, the high level of intraexecutive conflict characterized most of Walesa's incumbency as president. The persistence of intraexecutive competition in Poland is attributed by analysts to the unwillingness of president Walesa to accept premier's leadership in executive matters (Taras 1997). From the perspective of this research, it is interesting to note that in the quest for the control of executive, the Polish president had challenged not only the relatively weak minority coalition government led by premier Olszewski but also Pawlak and Oleksy's cabinets which relied on the support of a stable coalition majority in parliament. The implications of the Polish case for the arguments advocating a premier-presidential constitutional solution as a remedy against the executive-legislative deadlock are discussed later in the chapter.

The table also indicates that president-parliamentary regimes have experienced several instances of intense intraexecutive competition as well. Given that party systems in president-parliamentary regimes were not able to produce stable parliamentary majorities, all president-parliamentary cabinets in the table fall into the category of governments which were formed by fragmented parliaments. Instances of intraexecutive competition in Ukraine constitute the majority of cases in the upper right corner of the table. The President-parliamentary regimes of Russia and Kazakhstan have experienced the open confrontation between president and premier during the tenure of only one cabinet in each country. The finding that intraexecutive competition was rare in case of Russia and Kazakhstan supports the hypothesis that intraexecutive competition in certain

types of president-parliamentary regimes will be highly unlikely. What has to be explained is the dramatic difference in the number of intraexecutive conflicts in Ukraine in comparison to Russia and Kazakhstan.

### **Intraexecutive competition in president-parliamentary regimes.**

Two broad sets of arguments will be advanced here to explain the difference in the extent of intraexecutive competition in Ukraine and Russia. The first one examines the differences in the constitutional design of president-parliamentary regimes focusing on the exact specification of presidential powers over the cabinet and parliament. The second analyses the structure of incentives that the premier in a technocratic cabinet has in a president-parliamentary system.

*Presidential powers over cabinet in semipresidential regimes.* As it was previously stated, president-parliamentary regimes with higher degrees of presidential control over the cabinet are expected to be less prone to intraexecutive competition. Presidential control over cabinet is understood broadly here to include both the presidential powers with regard to cabinet appointment/ dismissal and the presidential right, if the constitution grants it, to dissolve parliament in cabinet related matters.

The more the president is in control of cabinet formation the less likely is intra-executive conflict. The logic behind this argument is that the president with a higher level of control over cabinet selection is able, first, to secure the selection of a prime-minister who is close to his ideal point, thus minimizing the extent of potential differences between them and, keeping the premier from the defecting during cabinet tenure by



threatening the premier's survival in office and making parliamentary threats to the premier's survival less credible.

By the degree of the presidential control over cabinet, all semipresidential regimes discussed in this research can be grouped into three major categories. The first one includes president-parliamentary regimes which grant dissolution powers to the president in cabinet-related matters; the second category consists of president-parliamentary regimes which do not grant dissolution powers to the president; and third encompasses all premier-presidential regimes which, by definition, deny the president the right to dismiss cabinet and, as a rule, provide him with only very limited power to dissolve parliament<sup>28</sup>.

Table 3.2 shows how the semipresidential regimes discussed in this research differ in terms of the president's ability to dissolve the legislature when the latter decides to vote no-confidence in cabinet:

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<sup>28</sup> Under the premier-presidential constitutional framework, the presidential powers to dissolve parliament can be applied primarily at the stage of cabinet appointment. Constitutional specification of exact circumstances and detailed procedures for using these powers further limit room for presidential discretion. For example, the Lithuanian constitution specifies that the president may dissolve the parliament on his own only when the latter fails to adopt a decision on the new program of the cabinet within 30 days of its presentation, or if the parliament twice in succession disapproves of the Government program within 60 days of its initial presentation (Art.58).

The variation in cabinet appointment-related dissolution powers of the president, can be very substantial among premier-presidential regimes. The changes in the Polish constitutional norms in 1990, 1992 and 1997 illustrate this point. The constitutional amendments of 1990 allowed the president to dissolve the parliament if the latter failed to confirm the cabinet in three months. Interim or "small" constitution of 1992 required already several rounds of vote on cabinet formation, alternating the right to nominate prime-minister between president and parliament, and only after those alternative rounds failed to produce the cabinet the president could dissolve the parliament. The constitution of 1997 preserved the previous procedure of cabinet formation but decreased the number of rounds or turns, during which the right of nomination was alternated between the president and parliament, from five to three. The parliament's failure to approve cabinet during those rounds leads to the dissolution of parliament by the president.

**Table 3.2 Presidential Control over Cabinet in the East European Semipresidential Regimes, 1991-99**

		<b>Is There Constitutional Provision Enabling President to Dissolve Parliament in Case of No-Confidence Vote?</b>	
		<b>YES</b>	<b>NO</b>
<b>Type of semipresidential regime</b>	<b>President-Parliamentary</b>	Russia 93- Kazakhstan 93-	Ukraine 91-94 Ukraine 96-
	<b>Premier-Presidential</b>		Moldova 94- Romania Lithuania Poland 90-92 Poland 92-97 Poland 97- Russia 91-93

Both Russia 1993- and Kazakhstan 93- fall into the category of semipresidential regimes with strong presidential control over cabinet. The image of relatively peaceful intraexecutive coexistence can be formed if one examines the empirical account of president-premier relations in these two countries. The intraexecutive politics have been persistently dominated by the presidents who have had final say in major appointment and policy decisions<sup>29</sup>. Disagreements between the president and prime-minister were not salient issues in press coverage of the executive branch of government and were not perceived by political analysts as consequential for the functioning of the executive. When the dismissal of the cabinet was initiated by the president, the reasons cited as grounds for the presidential decision included performance failures and policy mistakes but not the allegations of political disloyalty of the prime minister and his cabinet. Overall, the level of intraexecutive conflict was low.

Both the amendments to the Soviet-era constitution of Ukraine, which provided the legal basis for the functioning of the executive during 1991-95 period, and the new constitution of June 1996, provide the president with rather limited presidential powers over the cabinet. Unlike the 1993 Russian or 1993 and 1995 Kazakh constitutions, Ukrainian constitutional arrangements did not supplement the formal symmetry of the president and parliament's powers over cabinet appointment and dismissal with a constitutional clause which grants the president the effective right of dissolution. When the president cannot threaten parliament's survival, the cabinet truly faces the problem of

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<sup>29</sup> The Russian president's actual control of the executive after his reelection in 1996 can be legitimately questioned. On several occasions, especially in 1998 and 1999, Yeltsin's inability to guide the cabinet was a recurrent topical issue in the Russian politics. The lack of leadership on the part of president in those instances, however, does not have any institutional causes, it can be solely attributed to the poor health conditions of the president.

confused or dual loyalty. In president-parliamentarian constitutions (such as the Ukrainian one) which do not provide the president the right to dissolve parliament in cabinet-related matters, we expect the higher level of conflict between president and prime-minister, and consequently some cabinet dismissals to be initiated by the president.

Table 3.3 below summarizes findings about the reasons for cabinet dismissals in Russia and Ukraine.

**Table 3.3 Cabinet Dismissals in Russia and Ukraine, 1991-99**

Cabinet	Cabinet Dismissal initiated by		Reasons for Dismissal
	President	Parliament	
<b>Russia</b>			
Guider, Yegor	yes	No	policy failures
Chernomyrdin, Viktor	no	yes	policy disagreements
Kirienko, Sergei <sup>30</sup>	yes	yes	policy failures
Primakov, Yevgeni	yes	No	intraexecutive political competition
Stepashin, Sergei	Yes	No	Policy failures
<b>Ukraine</b>			
Fokin, Vitold	no	yes	policy failures
Kuchma, Leonid	yes	No	intraexecutive political competition
Zviagil'ski, Yuhym	yes	No	policy failures
Masol, Vitali	yes	No	Policy failures
Marchuk, Yevhen	yes	No	intraexecutive political competition
Lazarenko, Pavlo	no	No	adoption of new constitution
Lazarenko, Pavlo	yes	No	Intraexecutive political competition

<sup>30</sup> In case of Kirienko cabinet's resignation, both principals of cabinet - president and parliament - are cited as initiators of cabinet dismissal because the magnitude of August 1998 financial crisis exacerbated by the cabinet policy failures deprived Kirienko cabinet of any political support. President Yeltsin who strongly supported Kirienko's candidacy just a few months ago could no longer back Kirienko cabinet since the crisis raised the president's political costs of supporting the cabinet to the prohibitively high levels.

Three of seven cabinets in Ukraine were dismissed by the president because of the intense political competition between the president and the premier. The Premiers' attacks on presidential control of the executive were officially cited among the presidential reasons for cabinet dismissal in all three cases. The dismissal of only one cabinet by the Russian president can be qualified as an outcome of intraexecutive political competition during the same period of time in Russia. The Russian president, whose extraordinary powers are derived from the constitution he designed for himself, has been consistently able to avoid intraexecutive conflict that characterized the functioning of semipresidentialism in Ukraine during most of the 1990s. Given that the other two cabinets dismissed in Ukraine were interim or acting cabinets, the intraexecutive competition constitutes the primary reason for the cabinet dismissal and the resulting government instability in Ukraine.

### **Why do prime ministers defect?**

Intraexecutive political competition in president-parliamentary regimes leads, as a rule, to the dismissal of the premier by the president. Assuming that staying in office is the first-order preference for the prime minister, it is irrational for the latter to contest openly the president's leadership of the cabinet. It is certainly political suicide for the premier in the president-parliamentary regimes with strong presidential control over cabinet, such as Russia and Kazakhstan. It is also true in Ukraine where the actual symmetry of the presidential and parliamentarian power over cabinet dismissal would

suggest that the premier's dominant strategy should be to "balance" the preferences of president and parliament and to avoid contesting presidential control over the executive branch of government.

Yet in both types of regimes, though at different rates, premiers defect. What follows is an empirical investigation of why it happens. Table 3.3 indicates that the political conflict with the president was cited as a reason for the dismissal of the following five cabinets: Kuchma, Marchuk, and Lazarenko's cabinets in Ukraine, Kazhegeldin in Kazakhstan, and Primakov in Russia. Marchuk, Lazarenko and Kazhegeldin cabinets at the time of their appointment were considered to be very close to the president, which makes the fact of their subsequent conflict with president especially puzzling.

The explanation for the premiers' "defection" should be sought in the specific structure of the incentives that the president-parliamentary framework produces for prime-ministers, and in the premiers' subjective calculations of the political strength of the presidents they dare to challenge.

One issue that immediately emerges from examining the details of intraexecutive competition in all cases considered here is the presidential ambition of the premier. Under president-parliamentary arrangements adopted in Russia, Kazakhstan and Ukraine, the presidency is the office that is vested with the highest degree of power and prestige. While in premier-presidential regimes the larger share of executive powers is awarded by the constitution to the prime-minister and political practice drifts toward a higher degree of prime-ministerial control over the executive branch, president-parliamentary regimes

experience both formal and informal consolidation of executive power in the hands of president<sup>31</sup>. The post of president thus is the most desired one for ambitious politicians.

The office of prime minister, on the other hand, does not have a similar promise of prestige and power for the office-seekers. What it does however, it immediately promotes its holders to the position of national recognition and gives them some substantial powers over the state apparatus. Those are very important assets especially for political systems which are dominated by personalistic political networks and where both national and local politics are organized around clientalistic rather than ideological appeals. Prime ministers, because of their control of government resources and name recognition on the national level, have the ability to organize electoral coalitions and party machines for seeking the highest office. In other words, serving as a prime minister has a potential to put the politician in the race for presidency.

An ambitious premier's incentives to comply with the president can be further limited by a host of institutional and contextual factors. A President serving only the first term and hoping to be re-elected for the second is likely to use the prime-minister as a shield to defend himself from the different sort of political contingencies and crises and not as a likely successor whose political standing should be defended and promoted. The political popularity of the president is one of the contextual variables affecting the premier's behaviour. The weaker the president is politically the higher are the premier's incentives to contest the presidential leadership of the executive. Conflict with the president, under above-mentioned circumstances, is in the interests of prime minister who

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<sup>31</sup> While in the cases of Russia and Kazakhstan the overwhelming leadership of the president over the cabinet does not leave room for doubt about the direction in which the respective regimes have evolved during the last five or six years, the experiments with semipresidentialism in Ukraine produce a more mixed record with rather limited formal and informal advantages acquired by the president vis-a-vis the premier.



has already exploited the advantages of being in office to promote his political standing. What kind of evidence can be summoned to support this line of reasoning?

It is difficult to determine empirically the primary motivations of prime ministers which led them to the political confrontation with the president. The political behaviour of premiers after their cabinets' resignation, however, can be to some extent indicative of their motivations while in office. Two types of evidence can be considered as providing some support for the arguments offered above: former premiers' participation in presidential races and their efforts to build political party machines both to support their presidential bids and, more generally, to serve for preference aggregation and representation of various interests.

Four of five former premiers whose dismissal from office was classified above as an outcome of intraexecutive competition in president-parliamentary regimes had entered the presidential race challenging the incumbent presidents' determination to renew their electoral mandate. Appendix 3.2 contains the candidates' list for the presidential elections in Russia in 1996, in Kazakhstan in 1999, and in Ukraine in both 1994 and 1999. The Ukrainian record is the most telling. In the 1994 Ukrainian presidential elections the former Prime Minister Kuchma, who during his time in office in 1992-93 repeatedly contested the presidential leadership of cabinet, faced the incumbent president Kravchuk in the run-off and won with the comfortable margin (Kuzio and Wilson 1997). Marchuk and Lazarenko, rebellious premiers during president Kuchma's term in office, were seen as major contenders of the incumbent president Kuchma during the 1999 presidential elections<sup>32</sup>. In case of the 1999 Kazakh presidential elections, the former premier

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<sup>32</sup> Marchuk became an independent political figure engaged in rivalry with the president during the term of "constitutional agreement" which granted the president the unilateral and exclusive right to appoint and

Kazhegeldin perceived by democratic media as the only real challenger to president Nazarbaev's control of presidency was excluded from the race on dubious legal grounds. The procedural issues of Kazhegeldin's registration for the presidential race were brought up, according to many analysts, with the sole purpose to exclude Kazhegeldin from the race (EECR 1999).

It was argued here that prime-ministers may opt for open political confrontation with the president when intraexecutive conflict and the premier's dismissal which follows increase the premier's chances to win the office of president in the next presidential elections. Additional motivation for the confrontational stand vis-à-vis the president is the backing of an already existing political force opposed to the president. Primakov's cabinet in Russia had support from the communist party. Primakov's cabinet was a compromise struck between president Yeltsin, whose bargaining power during the cabinet formation process was severely damaged by the August 1999 crisis, and parliament opposed to him; but the political strength of the cabinet stemmed from the organized support of the Communist faction in parliament (EECR 1999).

The data on party affiliation of presidents and prime ministers in president-parliamentary regimes is offered in Appendix 3.1. Although the state apparatus and not party politics has generated thus far the main presidential contenders in the regimes under consideration, the growing maturity of political parties and their increasing ability to produce political (and not technocratic candidates) for the premiership may change the dynamics of intraexecutive relations in president-parliamentary regimes.

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dismiss cabinets. Understanding that the president has no constraints on his ability to sanction the cabinet was a common knowledge which, however, did not deter premier Marchuk from acting against the president's interests. After his resignation from the post of prime-minister Lazarenko was also described in media as a potential presidential candidate. His name does not appear on the list of presidential candidates primarily because of the damage that allegations of corruption and nepotism did to his reputation.

### **Intraexecutive conflict in premier-presidential regimes**

While in president-parliamentary regimes it is premiers who challenge the presidential leadership over the executive branch of government, the principal executive powers in premier-presidential regimes lie in the hands of cabinets and it is presidents who challenge premiers' authority over the executive. Although cabinet appointment under premier-presidentialism requires presidential participation, cabinet survival depends solely on the legislature. In view of some authors this constitutional arrangement should be conducive to the non-conflictual functioning of the political regime's executive and legislative institutions (Shugart and Carey 1992). Unlike president-parliamentary regimes, they argue, premier-presidential regimes should avoid the problem of confused loyalty by clearly making cabinet survival dependent exclusively on the legislature.

The empirical record of premier-presidential regimes discussed below, however, shows that the premier-presidential constitutional framework does not safeguard against the political conflict between the president and the cabinet when they belong to the different political camps. As with president-parliamentarism, the reasons for conflict are structurally determined. They stem from the institutional design which provides for the dual character of the executive. On the one hand, providing for the presidential participation in the appointment of cabinet constitution makes the popularly elected president a principal of the cabinet. On the other, it expects him to abstain from trying to influence the premier's behaviour when the latter is in office. Polish president Walesa's confrontation with the premiers is one of the most illustrative examples of the presidential defiance in Eastern Europe. Walesa had challenged his prime ministers'

leadership during the office term of both fragmented 1991-93 and left-dominated 1993-97 parliaments. The expectations that the president will routinely comply with the terms of the semipresidential contract and abstain from attempts to renegotiate that contract were not fulfilled.<sup>33</sup> The political structure of parliament, one of the key variables discussed in the first chapter, has been the major factor influencing the dynamics of intraexecutive relations in premier-presidential regimes (Skach 1999). The political party system has been more advanced in premier-presidential than in president-parliamentary regimes and, as such, has had a larger effect on the functioning of the executive. **Appendix 3.2** classifies legislatures according to the composition of the parliamentary majority, differentiating among unstructured, fragmented, and bipolar assemblies.

The low level of intraexecutive conflict was expected to characterize the functioning of premier-presidential regimes where a stable one-party or coalition majority in parliament had the same political orientation as the president. Shared political orientation is operationalized in this case as affiliation with the same political party or coalition. The same political orientation diminishes the room for potential conflict by reducing the differences in opinions about cabinet policies and appropriate people to conduct those policies. The experience of the French Fifth Republic is regularly cited in this respect due to the fact that the functioning of dual executive in that premier-presidential system was non-conflictual whenever the president and premier belonged to the same political coalition (Linz 1994, Stepan and Suleiman 1995). At the same time, the fact of belonging to the same political camp does not necessarily imply that

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<sup>33</sup> The contract - constitution - was a product of complex negotiations among the different forces occupying the political scene at the moment when the constitutional draft was proposed, bargained over, modified, and finally accepted. The ability of the president to negotiate the exact terms of the contract varied and depended most immediately on the strength of political support the incumbent president or the most likely candidate for the presidency had in the assembly adopting the constitution.

intraexecutive conflict will be entirely absent. The competition over the exact distribution of powers between the president and prime-minister still remains possible especially if the political coalition or party they come from is unstable or lines of intraparty authority are unclear.

In the East European cases, belonging to the same stable, majority party was conducive to intraexecutive peace. That was the case in Lithuania where president Brazauskas had a harmonious relationship with both the Lubys and the Slezevicius' cabinets. Both premiers and the president belonged to the postcommunist Lithuanian Democratic Labor Party (LDLP) that held the majority of seats in the 1992-96 Lithuanian parliament. LDLP was stable and disciplined party with strong disincentives for leading party members to defect from its ranks. President Brazauskas was an undisputed leader of LDLP. These are the factors that are also important for understanding intraexecutive relationships in Lithuania during that period.

A similarly high level of intraexecutive cooperation characterized the initial period of the Romanian transition from Chausescu's socialism. Both president Iliescu and premiers Roman and Stolojan were members of National Salvation Front (NSF) which controlled a majority of seats in the 1990-92 parliament. However, one of the important differences in the dynamics of party support for the executive in Lithuania and Romania was the fact that the unity of NSF, which included ideologically diverse and undisciplined factions, rapidly disintegrated. The incentives for president and premier to cooperate are much less compelling when they are members of different parties which formed a coalition than when they belong to the same political party. President Constantinescu's strong preference to continue to work with Ciorbea's cabinet rather than

to accept a new cabinet formed by Vasile and supported by a majority of coalition members illustrates the point for the case of Romania (EECR 1999). Similar tensions inside the ruling coalition took place in Moldova when after Alliance for Democracy and Reform 's (ADR) victory in the 1998 parliamentary elections, president Lucinschi, the coalition leader, refused to nominate a prime-minister candidate which coalition members previously agreed upon (EECR 1999).

In cases where the president and prime minister did not belong to the same political camp, the record on the instances of intraexecutive conflict was mixed. As it was already discussed in chapters 1 and 2, presidents facing fragmented and a politically poorly structured legislature can exploit the lack of coordination in the legislature and secure the appointment of a prime minister that is closer to their liking than to the parliament's ideal point. At the moment of cabinet selection, premiers in those cases were perceived as presidents' confidants. While in office they continued to cooperate more with the president than with parliament although only the latter formally controlled the ultimate sanction which could have been imposed on premiers, the power to dismiss cabinet. Part of the explanation for premiers' behaviour under these circumstances lies in the inability of assemblies to sustain parliamentary coalitions and impose non-compliance costs on cabinets. Premiers lacked strong and consistent political backing in the parliament and thus were more vulnerable to presidential efforts to increase influence over the executive. President Iliescu's cooperation with premier Vacaroiu vis-à-vis the 1992-96 fragmented Romanian parliament and the Moldavian president Snegur's more or less systematic collaboration with Sangheli's cabinet during the 1990-94 unstructured parliament's term in office illustrate this type of intraexecutive coexistence. In general,

the political practice of these premier-presidential regimes has been ambivalent with regard to answering the question of where the ultimate executive authority resides.

Different dynamics characterized intraexecutive relations in political systems where presidents faced fragmented but mature and ideological political parties. One indicator of the maturity of a party system is its ability to propose and secure the appointment of party-affiliated candidates for the post of prime minister. Unlike the above-mentioned Romanian and Moldavian technocratic premiers who came from the governmental administrative offices, the Polish party system was capable of supporting party politicians as cabinet leaders. All Polish premiers after 1989 had strong party affiliations. Having structured political support in the legislature changes the motivations of premiers and makes them more assertive in assuming control over the executive branch. Whether political conflict between premier and president will be intense in such a situation depends on the position taken by the president. The latter can either acquiesce or try to contest the premier's cabinet leadership. President Walesa, with regard to both Olszewski and Suchocka's cabinets during the 1991-93 extremely fragmented parliament's term in office, pursued the latter type of strategy. The intraexecutive competition which intensified after the 1993 parliamentary election produced the left coalitional majority in parliament that, in turn, put postcommunist Pawlak's cabinet in charge of the executive. President Walesa's political strategies ultimately contributed to the fall of the two left cabinets led by Pawlak and Oleksy.

Having the cabinet supported by the parliamentary majority opposed to president did not turn out, however, to be a sufficient condition for the high level of intraexecutive conflict even in Poland. President Kwasniewski's rather peaceful coexistence with Buzek's

cabinet supported by the opposite coalitional majority of center-right parties illustrates the latter point. The understanding of presidential motivations and likely behaviour under these circumstances is thus a key for our ability to anticipate the extent of intraexecutive conflict between the president on the one hand and the premier, who is supported by parliament which is antagonistic to the president, on the other.

Peaceful cohabitation of the president and premier who belong to the opposite political camps characterized the functioning of the semipresidential regime in the French Fifth Republic on several occasions. However, there were only a few instances of cohabitation in France. This limits the possibility for any generalization about regularities in intraexecutive relations under cohabitation. The absence of explicit intraexecutive conflict in the French cases can be partly explained by specific contextual factors, which encouraged the president to accept the premier's leadership of the executive. As Shugart and Carey (1992) summarize Pierce's (1990) argument, the peaceful cohabitation during 1986-88 in France was facilitated by the following specific factors: policy consensus on major issues between President Mitterrand and Prime Minister Chirac, the short prospective time horizon for cohabitation and the electoral incentives of both sides.

Pierce's (1990) analysis serves as a reminder that any theoretically-based arguments about the likely behaviour of presidents and premiers during cohabitation are of limited value whenever these arguments do not take into account the political context. At the same time, it should not be discarded that institutional variables based on party system characteristics<sup>34</sup>, time in the electoral cycle's period and the freshness of the

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<sup>34</sup>The exact configuration of party system is influenced by the number of factors including the underlying societal cleavages, historical legacy of party development, and contemporary set of rules and norms which regulate party behavior. Namely rules and norms are properties of institutional framework which conditions the ways how parties are internally organized, how they compete with each other, and how they get elected



electoral mandate have systematic effect on the calculations of the president and other political actors in semipresidential systems.

In conclusion, it is important to note that the evolution in patterns of intraexecutive and executive-legislative relations tends to proceed along the alternative routes in different East-European premier-presidential regimes. Some regimes routinize the political practice of the premier's dominance over the cabinet, while others keep open to the question of whether the president or premier ultimately controls the cabinet. Routinization of premier-presidentialism in line with the political practice of the French Fifth Republic seems to be further under way in Poland and Lithuania than in Romania and Moldova. In any of these cases it is difficult to talk about the established political practice since the incumbent presidents in all these countries are only the second presidents to serve under the premier-presidential constitutional framework.

Given the frequent claims from the different sides of the political spectrum in premier-presidential regimes to change the constitution, the constitutional framework itself does not seem to be conducive to arrival at an equilibrium point, which would satisfy the majority of political players. The fierce debates during the 1997 Lithuanian presidential campaign about the proper scope of presidential power are one of the recent manifestations of the fact that the existing rules of the game are still contested. The debates in Lithuania were initiated by one of the most likely candidates to win the presidential elections. Arturas Paulauskas, the presidential candidate who in the course of his campaign argued for broader powers to be awarded to president, lost his presidential bid in the second round of elections by less than one percent of votes (EECR 1998). The 1999 referendum on strengthening presidential control over the executive in Moldova,

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(electoral laws).

which was initiated by president Lucinschi, is another example of challenging the constitutional status quo (1999 EECR).

The growing variation in the trajectories of regime development is, in its turn, partly conditioned by the nature of party politics. In countries where disciplined and ideologically based parties structure political party system, cabinets formed by these parties assume full leadership over the executive. In countries where an unstable and unstructured political party system has large problems in producing strong party-based cabinets, presidents have the opportunity to exploit the lack of coordination in parliament and claim leadership over the executive. These claims of the president, however, are not met in parliament with the willingness to delegate or transfer the additional executive powers to the president, as Shugart (1997) seems to argue. The parliamentary members are rather more willing to transfer some powers to the premier whom they can ultimately hold accountable. Other things being equal, the intraexecutive conflicts are more likely in semipresidential regimes which produce fragmented legislatures because fighting an organized parliamentary majority is politically more costly for the president than trying to impose his preferences on a fragmented and clientalistically structured parliament.

#### **Intraexecutive conflict and cabinet stability**

As the previous analysis has shown, the low level of intraexecutive competition has characterized the functioning of two distinct types of semipresidential regimes found in the postcommunist region: president-parliamentary regimes with the strong presidential control over cabinet and premier-presidential regimes which were able to produce a parliamentary majority and a president of the same political orientation. The low level of intraexecutive conflict was initially expected to be highly correlated with

cabinet stability because the factors, which are important in constraining intraexecutive competition, also affect cabinet turnover.

In president-parliamentary regimes with strong presidential control over the cabinet, presidents who are constitutionally empowered to secure the loyalty of the prime-minister and his cabinet lack incentives to initiate the procedure of cabinet resignation. They also have powerful means - dissolution powers - to restrain the incentives of parliament to dismiss the cabinet. The bias toward cabinet stability was thus expected to be built into the design of this type of president-parliamentary system. The principal reasons for cabinet dismissals under this institutional framework are major policy failures, which raise the political costs of supporting the incumbent cabinet both for the president and parliament to prohibitively high levels<sup>35</sup>. Only when political costs associated with policy failures rise substantially will the president be willing to dismiss the cabinet on his own or to accept the parliamentary initiative on cabinet dismissal.

In premier-presidential regimes where the president and parliamentary majority belong to the same political camp, the potential for structurally induced intraexecutive

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<sup>35</sup> One way to understand how the cabinet dismissal game is played between the president and parliament under these circumstances is to examine how political crises caused by policy failures changes the preferences and incentives of the players. First, we can assume that a crisis changed the preference order only for the parliament. The president prefers to keep the incumbent cabinet in office and the political costs of parliament dissolution are lower for him than the costs of having his cabinet dismissed. For the parliamentary majority, a vote of no confidence in the cabinet, and not the parliament's survival in office, is now the priority (due to the fact, for example, that not reacting to cabinet policy failures triggers the withdrawal of support from their constituencies). The game is then played in the following way: parliament votes no confidence, the president dissolves parliament and new legislative and cabinet elections follow. Another scenario may have the presidential preferences changed: the president still prefers to keep the cabinet in office but the costs of parliament's dissolution are higher than the costs of not reacting to parliament's move to dismiss the cabinet. It follows: parliament votes no confidence; president nominates a new cabinet and abstains from the dissolution of parliament. The change in either player's preferences thus leads to a change in the status quo. A politically opportunistic parliament, which is interested most of all in its own survival, may exploit the presidential unwillingness to dissolve the legislature to its own advantage. Having the right knowledge about whether the presidential threat of dissolution is credible or not is the crucial piece of information for parliamentary deputies that would like to vote cabinet out of office without risking their own survival.

political competition that can lead to cabinet instability is mitigated by the shared political program and party discipline. Majority status that a party or coalition enjoys in the legislature also serves as a major source of political support for the cabinet and ensures the latter's ability to withstand exogenous policy shocks which could lead to the resignation of the cabinet.

**Table 3.4** below summarizes the information on the rate of cabinet turnover in both semipresidential and parliamentary regimes in Eastern Europe during 1991-99 period. For the purpose of presentation, the data is organized on country- rather than regime type- basis. Although several countries in the sample have lived through the regime change, required data adjustments are minor and, when implemented as described later in the text, do not alter in any meaningful way findings on the length of cabinet tenure presented in the table.

**Table 3.4 Average Cabinet Tenure in the Postcommunist Countries, 1991-99**

<b>Country and Regime Type</b>	<b>Number of cabinets since 1991</b>	<b>Average Length of Cabinet Stay in Office (months)</b>
<b>President-parliamentary</b>		
Russia	7	15.4
Ukraine	8	13.5
Kazakhstan	3	35
<b>Average for president-parliamentary regimes</b>	<b>6</b>	<b>21.6</b>
<b>Average for president-parliamentary regimes*</b> (not including Kazakhstan)	<b>7.5</b>	<b>14.5</b>
<b>Premier-Presidential</b>		
Lithuania	9	12
Moldova	7	15.4
Poland	7	15.4
Romania	5	21.6
<b>Average for premier-presidential regimes</b>	<b>7</b>	<b>16.1</b>
<b>Parliamentary</b>	5	21.6
Czech Republic		
Estonia	8	13.5
Hungary	4	27
Latvia	8	13.5
Slovakia	6	18
<b>Average for parliamentary regimes</b>	<b>6.2</b>	<b>18.7</b>

President-parliamentary regimes as a group show the lowest rate of cabinet turnover, the average cabinet stay in office amounts to 21.6 months. This number, however, is largely the function of very high cabinet stability in Kazakhstan. Given the dismal record of democracy in this country, it would be biased to make the inferences about the functioning of president-parliamentary institutions from the sample that is so heavily influenced by the performance of a rather undemocratic regime. When Kazakhstan is excluded, the average length of cabinet stay in office for president-parliamentary regimes drops to the lowest level among three types of constitutional regimes represented in the table.

Given the true symmetry of cabinet dismissal powers in Ukraine, the high rate of cabinet turnover in Ukraine does not come as unexpected. Unlike the Ukrainian constitution, the Russian constitution grants to the president much stronger powers with regard to cabinet. The presidential power both to secure the selection of a loyal cabinet and to limit the legislature's ability to dismiss the cabinet, however, did not result in the higher stability of cabinets in Russia. The rate of cabinet turnover in Russia was almost as high as in Ukraine.

At the same time, the patterns of cabinet change differ substantially between the two countries. While in Ukraine premiers changed every year, premier Chernomyrdin led the cabinet in Russia for 63 months from December 1992 to March 1998<sup>36</sup>. The frequent change of premiers has taken place only during the last two years of Yeltsin's presidency.

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<sup>36</sup> The fact that Chernomyrdin's premiership lasted more than five years should not be taken as testimony to the remarkable stability the Russian during that period. The rate of turnover was very high on the level of deputy premiers and individual ministries. It has never reached, however, the 50% threshold to be qualified as a change of cabinet.

Five different premiers were in office in Russia between the beginning of 1998 and the end of 1999.

The average length of cabinet stay in office for premier-presidential regimes was 16.1 months. Romania was the only premier-presidential regime where cabinet stability was very high; partly due to the beneficial effects of a concurrent electoral cycle. Cabinets in parliamentary regimes lasted on average 18.2 months during the same 1991-99 period. The difference in the constitutional design may have some role to play in explaining these outcomes. While presidents in president-parliamentary regimes do not have formal powers to dismiss cabinets they have repeatedly used informal means to influence the destiny of cabinets with which they had difficulties coexisting. Both in Poland and Moldova, presidents undermined the tenure of several cabinets. President Walesa's actions directly contributed to the fall of two leftist cabinets and were an important factor in the downfall of several other cabinets in Poland. In Moldova, president Luchinsci was able to capitalize on his more recent electoral legitimacy and force the resignation of long-standing Sangheli's cabinet. In Lithuania, the 1998 presidential elections threatened Vigorous' cabinet stay in office. It is important to note that in several of these cases the presidents contributed to the downfalls of cabinets that were backed by the stable coalition majority in parliament.

Romania was the only premier-presidential regime with a relatively low rate of cabinet turnover. The Romanian cabinets lasted on average 21.6 months. Higher cabinet stability in this country can also be attributed partly to effects of the institutional setting. Romania is the only premier-presidential regime with a concurrent electoral cycle. Simultaneous presidential and legislative elections in 1996 produced a parliamentary

majority and a president from the same political coalition. This dramatically diminished the grounds for political confrontation between president and premier during the last four years of premier-presidentialism in Romania.

One way to disentangle the effects of regime type, parliamentary fragmentation and electoral cycle on cabinet stability is to develop a statistical regression model which would include all above-mentioned factors as independent variables. The simple descriptive statistics used for the analysis undertaken in this chapter should be treated as a first step in the direction of methodologically more sophisticated analysis.

## **Conclusion**

This chapter has elaborated the concept of intraexecutive conflict. Intraexecutive political competition between the president and the prime-minister is built upon the executive-legislative divide which characterizes both semipresidential and presidential regimes. The salience of intraexecutive conflict under semipresidentialism was shown to depend on the extent of presidential and parliamentary control over cabinet and on the nature of parliamentary composition.

In Russia and Kazakhstan, president-parliamentary regimes with strong presidential control over the cabinet, the presidents have been able to secure the cabinet's compliance and to deter the premiers from challenging presidential leadership over the executive. As a result, the dual executive was united most of the time. Executive-legislative rather than intraexecutive conflict characterized the functioning of political institutions in these semipresidential regimes.



The weaker presidential control over the cabinet in Ukraine's president-parliamentary regime led to the mixed patterns of institutional conflict and cooperation. Periods of intraexecutive competition and cooperation alternated depending on the premiers' willingness to risk their tenure in office. Seemingly suicidal political behavior on the part of some premiers took place in both types of president-parliamentary regimes. To explain this behavior I analyzed the structure of incentives that a prime-minister faces under president-parliamentary constitutional framework. The premiers' willingness to risk the survival of their cabinets does not contradict the power maximization assumption about the politicians' behavior when the presidential ambitions of the premiers are taken into consideration.

Given that the survival of the cabinet under a premier-presidential constitution depends solely on parliament, the premiers in premier-presidential regimes lacked any incentives to collaborate with the presidents. Whenever conflict between the president and the parliament took place, the cabinet was on the side of the parliament. The presidents repeatedly tried to contest the premier's leadership over the executive. It was expected that the presidents are more likely to claim the leadership over the executive when they face fragmented legislatures. The Polish experience indicates, however, that the existence of a stable parliamentary majority opposed to the president may not be sufficient to deter the presidents from striving for higher control over the executive.

The presidential ability to influence (either formally or informally) the cabinet's stay in office can be an important source of cabinet instability in semipresidential regimes. In both president-parliamentary and premier-parliamentary regimes, presidents that were unhappy about the particular cabinets used various means to speed up the fall of those

cabinets. Descriptive analysis, undertaken in the end of the chapter, showed that there is a substantial difference in the cabinet turnover rate between semipresidential and parliamentary regimes.