

The establishment in short succession of a series of non-partisan caretaker governments in European democracies such as Greece and Italy in 2010-2012 sparked a new wave of academic interest in short-term technocratic administrations, which seem to be recurring phenomenon. Different streams in the emerging literature have considered how technocratic or technocrat-led governments can best be defined and typologised; why and how they formed; and if and how their occurrence is part of a broader malaise of democracy in Europe.¹ However, although such governments have sometimes been long-lasting and the default assumption often that they are or should be seen as illegitimate and democratically dysfunctional, there has thus been little consideration of if and how they legitimate themselves to mass publics. This question is particularly acute given that empirically caretaker technocrat-led administrations have been clustered in newer, more crisis-prone democracies of Southern and Eastern Europe where weaker bureaucratic traditions and high levels of state exploitation by political parties suggest a weak basis for any government claiming technocratic impartiality.

In this paper, using Michael Saward's framework of democratic politics as the making of 'representative claims', I re-examine the case of one of Europe's longer-lasting and most popular technocratic administrations, the 2009-10 Fischer government in the Czech Republic to consider how a technocratic government in a newer European democracy can make seemingly successful claims to legitimacy despite unfavourable background conditions. The paper is structured as follows. It first notes how discussion of technocratic governments, has largely taken place through – and been overshadowed by - the literature on democratic party government. It then presents Saward's framework of 'representative claims' and relates Richard Katz's ideas about the 'legitimising myth' of party government in Western democracies and ideas from

the technocracy literature to Saward's framework. The article next turns to examine the question empirically. It notes the potentially paradoxical position of technocratic governments in newer European democracies and presents the 2009-10 Fischer government in the Czech Republic as a case typifying the circumstances in which technocratic caretaker governments emerge, but outlying in its popularity and apparent legitimacy. The paper examines the representative claims made for and by the Fischer government during its term in office, which are found to offer a novel and, to some extent, conflicting set of public rationales for its legitimacy. The paper reflects on these findings and draws conclusions for future research on technocratic and party governments using claims-making frameworks.

Technocrat administrations through the prism of party government

Political scientists and democratic theorists have themselves taken normative stances on if and how technocratic governments erode democracy.² However, the question of how they are legitimised to mass publics in empirical settings has remained un(der)studied and, where it is touched on, heavily filtered through debates about party government. Echoing an older set of concerns voiced in 1960s,³ political scientists initially viewed the emergence of administrations of technocrats in Southern Europe in 2011-12 with dismay, see them as signalling the accelerated erosion of democracy in the crisis conditions produced by the Great Recession and the fiscal pressures of Eurozone membership. Technocratic administrations threatened democracy both directly by substituting unelected officials for elected party politicians and in the longer term by potentially fuelling an anti-party or populist backlash.⁴ The (implicit) assumption in such commentaries was that technocratic governments - especially if implementing painful reforms - would be received by mass publics as illegitimate forms

of cross-party collusion, that is an attempt by parties to deny democratic choice, evade government responsibility and avoid accountability.

Subsequent assessments, however, noted that despite these high profile Southern European cases, caretaker technocrat governments in contemporary Europe remained an empirically rare phenomenon, infrequently punctuating long periods of 'normal' party government.⁵ 'Full' technocratic governments without any party politicians were rarer still. Technocratic caretaker administrations were, moreover, invariably appointed within normal constitutional procedures by parties or elected presidents; relied on the support (or least acquiescence) of party-based legislatures to assume office; and worked on the basis of mandates defined and circumscribed by elected politicians.⁶ In this perspective, technocratic caretaker governments were seen as an episodic emanation of party-based democracy, trouble-shooting short-term difficulties in government formation, and needed no legitimation beyond that attaching to parties. If there was a problem with technocratic governments (and other forms of delegating to experts), it was likely a side-effect of parties' own declining legitimacy as their social and organisational roots eroded in fragmented post-industrial societies and they struggled to articulate or implement policy alternatives in an increasingly globalised post-Cold War world.⁷

Even when themselves the subject of direct empirical study, technocratic governments have largely been largely defined by what they are *not* and subsumed into notions of non-partisanship or non-party government. In their widely cited typology McDonnell and Valbruzzi, for example, argue that technocratic government should be understood as a "reverse mirror image" of Richard Katz's classic definition of party government, that is as a context where policy is not set or enacted by parties and political decisions not made by elected party representatives.⁸ Similarly, other than being non-partisan,

a technocrat-minister had merely be 'said to possess recognized non-party political expertise which is directly relevant to the role occupied in government'.⁹ While Katz's seminal essay argued that the ideal type of party government – resting on the idea of chain of democratic delegation from voter to party, and from party to government - also functioned normatively and more publicly (in cruder former) as 'the dominant legitimising myth of European democracies', it was unclear, what a "reverse mirror image" view of technocratic governments implies about their claims to legitimacy.

Legitimising claims for party and non-party governments

This is a puzzling omission. Technocrat-led caretaker governments are among the most advanced forms of power-sharing between elected politicians and technocrats in European democracies.¹⁰ There is, moreover, a distinct and well established body of scholarship on technocrats and technocracy, which examines their origins and nature and deals precisely the distinct political appeal(s) they make, usually based on notions of neutral expertise or specialist knowledge.¹¹ However, its reference points are diverse, taking in a range of historical, regional and institutional settings.

Such diverging claims to legitimacy may be usefully approached through the 'representative claim' framework of Michael Saward, which is flexible enough to accommodate the claims of elected and unelected actors across a range of (non-) institutional and cultural contexts, and whose 'dynamic' view of representation makes it well suited to study politically unconventional episodes such as technocratic governments. As several scholars have noted, it is also pertinent to more enduring phenomena such as parties or populist movements.¹²

Saward sees actors in democratic politics as making ongoing, shifting sets of competing (and overlapping) 'representative claims' to legitimately exercise power on

behalf of others. Representation is thus “a dynamic quality of political life spread unevenly across societies, taking in a range of ‘public’ and ‘private’ actors and organizations”, rather than (just) a fixed institutional relationship.¹³ A representation claim, he explains, is “an act whereby a maker of representations (‘M’) puts forward a subject (‘S’) which stands for an object (‘O’) that is related to a referent (‘R’) and is offered to an audience (‘A’).¹⁴ The ‘object’ is the constituency depicted in representative claim, the ‘referent’ the real-life individuals the claim refers to, and the ‘audience’ those who may recognise and accepted the claim and hence be represented. Democratic legitimacy for Saward is thus perceived legitimacy, the acceptance of a representative claim an appropriate constituency in an open society in which citizens can freely weigh competing claims.¹⁵ What Katz terms the legitimising ‘myth of party government’ can be viewed as a set of elective (electorally-based) representative claims staked for parties (subject) as representing certain people (referent) based on depictions of them as a particular electoral or social constituency (object) based on the notion of voters delegating authority to accountable representatives (organised into parties) in line with the result of competitive elections.¹⁶ The precise form of elective claims made for parties – and the nature of the constituencies they invoke - varies by individual party and national or historical context,¹⁷ and, as Katz notes, may also bear little resemblance to more complex empirical realities of liberal-democratic polities.¹⁸ If long-established and well embedded parties may benefit from what Saward terms or “sedimented representative claims”, that is “... broad legitimacy of political institutions and distribution of political authority [which] in a sense makes the claims for them’.¹⁹ However, Saward sees (democratic) ‘representation’ in more expansive terms than simply electoral mandates. He argues that there are a range of non-elective

'representative claims' which are potentially legitimate and democratic. This implies, firstly, that parties and elected politicians can (and do) boost their legitimacy with additional non-elective claims (for example, regarding their local or historical roots).²⁰ However, it also implies that there are a wide range of *unelected* actors may be able make legitimate 'representative claims', filling in gaps that elective representation cannot fill: they may claim to be representative because they share characteristics or experiences with those represented (descriptive representation or 'mirroring'); they may thus claim to represent higher or enduring interests rooted in, culture, morality or tradition, that parties (by definition partial and partisan) may struggle to articulate; they may stake claims based on scale of mass mobilisation or mass membership; on notions of 'stakeholding'; or on the moral imperative of speaking up for unheard or unvoiced interests. They may 'represent' constituencies aesthetically or performatively simply by offering portrayals and depictions of them which ring true to their intended audience.²¹

Although highly varied, unelected actors' claims, Saward argues, are likely to be credible to audiences if they fit two broad (and somewhat opposed) criteria: if they (1) show their subjects as embedded in a legitimate constitutional or institutional context, for example, as part of the chain of democratic delegation, or with sufficient "connectedness" to bathe in the 'reflected glow of electoral process' or (2) if the claim made allows the claimant to be viewed as independent "unbeholden to other interests, genuine in their convictions, and owing nothing troubling in terms of money or backing to others – [carrying] an air of "untaintedness."²² In a contemporary European context, technocratic caretaker governments' claims appear likely to be split and positioned mid-way. As the product of legal or constitutional process they can claim embeddedness in a wider democratic order, stressing that their interim status makes

short-term departure from the norm, and – as usually appointed or supported by elected politicians – they can claim to be the final link in the chain of democratic delegation.

Conversely, they may also be able make representative claims based on independence and disinterestedness. Although divided over a range of issues, the technocracy literature agrees that technocrats' claim to rule proclaimed ability to provide a superior quality of governance by better identifying and providing for the public interest through the use rational or scientific knowledge. Technocrats have also historically background or outlook insulates them from competing sectional or partisan interests, allowing them to act rationally in the public interest.²³ In Saward's terms, we may thus anticipate claims asserting that governing technocrats (subject) represent all citizens (referent) by act for the public, the nation or society as whole (object), protecting "the enduring or persisting interests of the state against incursion or corruption by the politics of the moment".²⁴

The paradox of technocratic government in newer democracies

We now turn to examine representative claims-making by technocratic caretaker governments in concrete empirical context. Technocratic caretaker governments in contemporary Europe have overwhelmingly emerged in newer democracies in the South and East of the continent.²⁵ Indeed, perhaps additionally reflecting the role of national institutional provisions such as restrictive conditions for early dissolution of parliament,²⁶ the bulk of such technocratic non-party governments have occurred in only seven countries, all of which experienced repeat episodes of technocratic caretaker government: Bulgaria, the Czech Republic, Italy, Finland, Greece, Portugal and Romania. Of these, five can be unambiguously classed as newer 'Third Wave'

democracies. Together they account for 18 of 24 cases listed in McDonnell and Valbruzzi's dataset. If later cases are added (to end 2016), this becomes 22 of 29.²⁷

Such clustering is unsurprising. Newer Southern and Eastern European democracies are poorer and more peripheral in the wider European economy – and hence more vulnerable to economic shocks - and have less well-established, but often more clientelistic and corrupt party systems. Moreover, parties in post-communist Eastern Europe have from the outset been 'hollow' state-centred formations with weak social roots, low memberships and limited institutionalisation,²⁸ which, to use Saward's terms may not 'sedimented representation' long established parties in older democracies enjoy. Survey evidence confirms that newer European democracies exhibit greater levels of public distrust in the functioning of (electorally-based) representative institutions and greater public receptiveness to the idea of technocratic governance as an alternative than in core West European states.²⁹

This pattern, however, raises a sharp paradox: namely, that the demand for technocratic government *is highest in those precisely in those European democracies, which are least well equipped to supply it.* The state apparatus and public administration in Southern and Eastern Europe democracies have proved markedly more subject to politicisation and exploitation by parties than those of core West European states – reflecting the historical sequencing of mass democratisation before the formation of a professionalised state administration and the legacies of authoritarian rule.³⁰ This suggests a relative absence of technocrats and officials who can credibly assume the role of non-partisan governors because of a blurred boundary between party politicians and non-partisan technocrats. Technocratic administrations in newer European democracies may struggle for legitimacy and may be as crisis-ridden as the party governments they replace. Indeed, such scenarios have already

played out in stark terms in Eastern Europe: the ostensibly technocratic administration of Plamen Oresharski in Bulgaria in 2013, for example, saw an intensification of the instability and mass protests that had brought down the preceding party-based administration and Oresharski was itself eventually forced from office in a similar way.³¹

The case of the Fischer government

However, this has been far from always the case. Some technocratic caretaker administrations in Europe's newer democracies have had high and enduring levels of popularity. The technocratic government of Jan Fischer in the Czech Republic (April 2009 - July 2010) offers a strong case in point. It was, after the Monti government in Italy, the longest serving caretaker technocrat administration in Europe since the onset of the Great Recession in 2008,³² as well as one of small minority of such administrations that can to use McDonnell and Valbruzzi's term be classed as a 'full technocratic government': that is, as a government composed entirely of non-party technocrat ministers with a remit extending beyond very short-term 'minding the shop'.³³ The Fischer government also enjoyed exceptionally high levels of popularity. Despite implementing an austerity budget, Fischer and his administration enjoyed far higher levels of approval and trust than Czechia's two other technocrat-led governments: the short-lived administration of Josef Tošovský (January- July 1998) and the longer-lived government of Jiří Rusnok (2013- 2014) appointed without the prior agreement of any of the country's parliamentary parties.³⁴ Indeed, Fischer's approval ratings make him by some margin the popular prime minister in the history of the independent Czech Republic and, judged on peak levels of public trust and satisfaction, his administration its most popular government.³⁵ The Fischer

government's approval ratings were also higher and more buoyant than those of similarly long-lasting 'fully technocratic' European governments such as the (2011-13) Monti government in Italy, which declined after an initial honeymoon period or the (2015-16) Cioloş administration in Romania, which fluctuated, but peaked at 46 per cent.³⁶

The Czech Republic as a typifying case

In other respects, however, the Czech Republic exhibits features common to other newer European democracies which have experienced multiple episodes of technocratic government. Party government was stable and well established, but anchored in an exploitative relationship with the state. Since its consolidation in 1992-6, the Czech party system had seen the continual parliamentary presence of two large parties the centre-right Civic Democratic Party (ODS) and the Czech Social Democrats (ČSSD), and two minor parties, the Christian Democratic Union – Czechoslovak People's Party (KDU-ČSL) and the Communists (KSČM). Parties had a constitutionally privileged role and had quickly established themselves as dominant actors, fully controlling the legislative process and exercising an effective 'power monopoly' despite generally low memberships and poor levels of social implantation:³⁷ Party governments featured few independent ministers - Katsunori and Williams's data suggests only 13.4% between 1992 and 2009³⁸ Parties– or individual party politicians– also exercised powerful patronage over the appointment of top-level officials in key state institutions and agencies, exploiting the lack of delineated career structures and norms in the civil service to operate a system of so-called *trafika*: the use of high-level partisan appointments to managerial posts in ministries, public bodies and state-owned companies to reward supporters and enhance their own political

control of the state apparatus.³⁹ As in other European democracies with recurrent technocratic caretaker administrations, restrictive conditions for early dissolution of parliament narrowed politicians' options following government collapse. In the Czech case, the Constitution set high barriers to early dissolution of the Chamber of Deputies (lower house), which was allowed only in narrowly defined sets of circumstances and could not be initiated by a defeated government.⁴⁰

The immediate origins of Fischer administration lay in finely balanced political situation between left and right following the 2006 election - a (then) recurring feature of the Czech party system which made the formation of ideologically coherent majority coalitions difficult -⁴¹ and tensions between left and right over austerity as the Great Recession took hold in 2008-9. On 24 March 2009, the liberal centre-right minority Civic Democrat-Christian Democrat-Green coalition of prime minister Miroslav Topolánek, which had taken office in January 2007 after months of post-election manoeuvring, narrowly lost a vote of no confidence. Topolánek's government had been hampered from the outset by its lack of a reliable parliamentary majority and faced repeated motions of no confidence, finally losing office when four former coalition deputies joined opposition deputies in voting against the government.

This implied an interim period during which parties would need to agree either to stage one of the dissolution scenarios envisaged by the Constitution or to pass new constitutional legislation enabling dissolution. Accordingly, the leaders of the two largest parties, outgoing ODS prime minister Topolánek and opposition Social Democrat leader Jiří Paroubek, quickly agreed on a caretaker government of non-political figures for a short-period while the Czech EU presidency concluded (on 30 June 2009) and parties passed a one-off constitutional law shortening the parliamentary term – a template previously used to engineer early elections in 1998,

when a caretaker government headed by Josef Tošovský, the governor of the central bank, had held office for six and a half months following the fall of a previous centre-right government. On 5 April 2009 leaders of the three parties of the outgoing coalition and the opposition Social Democrats signed an agreement to this effect, identifying Jan Fischer, the head of the Czech Statistical Office, as the prime minister designate of a temporary government of 'non-party experts'.⁴² Fischer's government was appointed in full on 8 May 2009, winning a vote of confidence on 9 June.

The constitutionally problematic status of early dissolution gave Fischer's caretaker government further impetus, when the Czech Constitutional Court ruled that the *ad hoc* constitutional law passed to call early parliamentary elections was unconstitutional, scrapping early elections planned for October 2009.⁴³ Although parties quickly passed a general constitutional amendment creating an additional route to early dissolution by parliamentary vote, Social Democrat fears that a further constitutional challenge might lead to annulment of early elections result, led them unexpectedly to decide that they no longer supported early dissolution. As this left the required three-fifths majority in the Chamber unattainable, the Fischer government served an additional five months until scheduled parliamentary elections of 28-29 May 2010, claiming an extended mandate to pass the state budget and make cuts to meet deficit targets,⁴⁴ finally leaving office on 10 July 2010.

The paradox of technocratic government in the Czech Republic

The formation of the Fischer government vividly illustrates the difficulties of forming a credible technocratic administration in a newer, post-communist democracy. The two main party leaders' choice of Jan Fischer as caretaker prime minister came as a surprise. Unlike the governor of the central bank Josef Tošovský who had headed the

previous (1998) technocratic government, Fischer had no public profile and little experience of high level politics. In Fischer Topolánek and Paroubek did, however, appear to have found a figure who embodied the ideal of the technocratic official. A career statistician who had worked his way up to head the Statistical Office, Fischer had never been involved in party politics after 1989, although like many specialists of his generation he had joined the Communist Party during the 1980s to smooth his career path. His views as he clarified and developed them in office evinced a clear technocratic bias, seeing government as essentially a managerial task with his ideal, drawing on his career in the Statistical Office, being that of the career official. The discovery in the head of the Czech Statistical Office (ČSÚ) of a prototypical technocrat, was however, not entirely fortuitous. The ČSÚ appears to have been one of a number of specialised agencies, which functioned relatively freely from political interference – seemingly a legacy carried over the late communist period when its appear to have been one of a number of technical agencies which functioned as islands of bureaucratic autonomy in the communist party-state.⁴⁵

However, while Fischer fitted the ideal of the non-party technocrat well, the remaining 17 non-party ministers in his government presented a more complex picture, exemplifying many the difficulties faced by newer democracies seeking credible non-partisan ministers. On first examination, like Fischer himself, they conformed closely the profile of non-party technocrat. All, like Fischer himself, were not members of a political party when they took office and most had public sector administrative experience. Of the 21 individuals who served in the government at ministerial level, seven were existing 'deputy ministers' (*náměstky*) in the ministries they headed and one a former deputy minister⁴⁶; three (including Fischer) were chief executives of state agencies; four were heads of state-owned companies or organisations (the Czech

Philharmonic, a large hospital, the Czech national electricity grid (ČEPS), and the Czech national tourism agency); two were diplomats or ambassadors; and one was a mid-ranking official in the European Commission. Only three might loosely be described as coming from civil society backgrounds.⁴⁷

However, closer examination of the government's composition and its ministers' career trajectories and relationships with parties suggests a more complex construction. While some ministers also had no previous history of partisan engagement, this was some far from the case for all. Approximately one third of the 21 ministers who served in Fischer 's cabinet had been members of or had close and active associations with the party that nominated them.⁴⁸ Those who were party members simply resigned their membership on joining the government to meet formal criteria of non-partisanship and resumed membership after leaving the government. Several had also stood for national elected office for their nominating parties – a fact that should disqualify them as technocrats in typologies such as that of McDonnell and Valbruzzi - and, although none were front-line politicians, many had pursued on-off political careers. Some ministers with this profile were, moreover, among the most senior members of the government: foreign minister Jan Kohout, for example, was a long-standing member of the Social Democrats (ČSSD) before taking office who later re-joined the party and stood (unsuccessfully) as a ČSSD candidate for the Senate in 2010, while interior Minister Martin Pecina had been a member of ČSSD for four years before taking up his post as head of the Czech Competition Authority in 2005 – he was later briefly an MP for the party. In shaping (and making nominations to) the Fischer government, Czech parties adapted the *trafika* system and the networks of officials with political affiliations in the top echelons of public administration it gave rise to.

Representative claims and counter-claims

Contesting the claims of the Fischer government

At the outset, it was far from obvious that Fischer's would be an administration breaking records for popularity. The doubtful non-partisan credentials of many of Fischer's ministers were quickly picked up on. Critics – making what were, in effect 'unrepresentative claims' questioning the legitimacy of the incoming government - called into question whether in fact, its ministers had high-level specialist expertise and or the detachment from sectional or partisan interests needed govern well or to represent enduring or underlying interests of state.

The inexperience of Fischer and the 'semi-political' background of his key ministers were subject to withering criticism by the media and politicians not party to the agreement, including some internal critics of Topolánek in his Civic Democratic Party. The editorial of the news magazine *Respekt*, for example, saw Fischer as '... a likable, competent official' whose obscurity would leave him struggling to manage the Czech EU Presidency,⁴⁹ while a columnist for the tabloid *Blesk* dismissed him as an 'obliging honest Mr Nobody' whose personality was as dull as his 'second-rate 1970s suit'.⁵⁰ Fischer's membership of the Communist Party in 1980s was also attacked by some commentators who saw it as typical of a morally compromised generation of state officials formed in the late communist era, cancelling out whatever other claims to non-partisanship might be made.⁵¹

While not questioning the technocratic caretaker government's legality or constitutionality,⁵² other critics rejected any notion of the 'disinterestedness' of the Fischer government by highlighting its embedness and connectedness with the existing party-political establishment. Here "connectedness" with established constitutional order was not a source of legitimacy as Saward's discussion of non-

elective representative claims proposes, but of illegitimacy because of established parties' supposed capture by corrupt vested interests. These critics suggested that Fischer's government was so dominated by the two largest parties that it was no more than 'hidden Grand Coalition',⁵³ an accusation previously levelled at the highly unpopular 'Opposition Agreement' confidence-and-supply deal between the (governing) Social Democrats and the (opposition) Civic Democrats in 1998-2002.⁵⁴ Other commentators conceded that, Fischer's government might have a degree of independence from parties, but argued his administration would be captured by the same informal interest groups that had previously penetrated parties and party-based governments.⁵⁵ Given the overlap between politics, business and public administration at the heart of the *trafika* system, several ministers had professional or career ties to economic interest groups, as well as parties. There were suggestions throughout Fischer's term of office that potentially corrupt informal relationships between government and business were continuing as under previous party governments, especially in the field of energy policy.⁵⁶ How despite such evident vulnerabilities did Fischer's administration win such high levels of support and acceptance? Fischer himself proved an unexpectedly competent head of government, both domestically and on the international stage,⁵⁷ and his administration successfully steered several contentious items of legislation through parliament most notably (despite unwanted amendments) the December 2009 budget. It is also true that the Czech economy was less severely impacted by the Great Recession than those of Southern and South Eastern European states and levels of unemployment and public debt were notably lower.⁵⁸ However, the record approval ratings of Fischer and his government achieved at a time of deep recession suggest that there a complex

process of legitimation was at work, than simply public approval for a display of unexpected political competence.

Applying the representative claim framework

In a Czech context, the public appeal of alternatives to party government, including technocratic governance, has often been analysed by recourse to simple notions of political culture or national exceptionalism: that for political-cultural reasons Czech society is unusually receptive to anti-political alternatives to party government.⁵⁹ Tucker et al, for example, relate the earlier technocrat-led caretaker administration of Josef Tošovský in 1998 (backed by president Václav Havel) to a Czech tradition of 'non-political politics' sceptical of conventional party politics, which can be traced back through the philosophy of dissident intellectuals of 1980s to the President Masaryk in interwar period and, ultimately, to the preeminent role of culture in 19th century nation-building.⁶⁰ However, survey-based research undermines the notion that Czech public attitudes to parties or technocratic alternatives are strongly marked by political-cultural exceptionalism.⁶¹ Moreover, both historically and in contemporary Czech politics there have been episodes where anti-party projects, or technocratic projects, have met with weak public approval, and discourses endorsing parties and democratic party government have been in the ascendant. The institutional and constitutional embedding of party government in the Czech Republic from mid-1990s, for example, was accompanied by a set of widely diffused normative ideas favouring 'standard' party-based representation, challenging the views of ex-dissident politicians who advocated a model of non-ideological civic consensus and loose, participatory movement-parties.⁶²

The representative claims approach offers a framework better able to capture both dynamic and conflictual nature of politics and the cultural and historical context that may inform it. As Saward explains “claim-making and claim-reception are deeply culturally inflected practices” framed within a “cultural code” or “cultural moment”, which sets bounds on the range of claims accepted as legitimate, but at the same time provides ready-mades tropes which can be reinterpreted and re-presented in new ways.⁶³ In the Czech context, claims were framed in terms of perceived cultural affinity with the West and the notion of strong pre-communist Czech national democratic tradition, expressed above all in the first Czechoslovak Republic (1918-38), which was frequently (if often inaccurately) referenced in debates related to constitutional and issues or democratic institutions.⁶⁴ Politicians advocating “standard” parties thus argued that they were more democratically representative in offering voters clearer choices and lines of accountability - but were also a tried-and-tested West European norm culturally appropriate for Czechs, which reconnected with democratic tradition of interwar Czechoslovakia.⁶⁵ The notion of an anti-party or anti-political culture may perhaps be better as reconceptualised in terms of the (greater) “cultural availability of resources for claims” for or against party government.⁶⁶

Representative claims for the Fischer government

Turning to apply the claims-making framework directly to the Fischer government directly, we find that we can identify three overlapping representative claims that emerge in politicians’ statements and media commentary. These (re-)emerge at key points in the life of the government: in the war of words which blew up in April-May 2009 about how the incoming administration should be labelled; after its term (and mandate) were extended following the Constitutional Court ruling of September 2009;

and, towards the end of its term when politicians and commentators weighed up its record. Two of these are in line with the earlier discussion mapping party government and technocracy literature onto Saward's framework of elective and non-elective claims, the third is more surprising.

As might be anticipated, the parties founding Fischer's government acted as makers of a representative claim stressed its temporary character of administration and limited role in bridging a short hiatus in normal (elected) party government. The inter-party agreement signed of 5 April 2009 thus spoke of an 'interim government' (*překlenovací vláda*) of non-party experts' leading the country to early elections, while outgoing prime minister Topolánek labelled it a 'summertime government'.⁶⁷ Politicians from parties that had created Fischer's government stressed that it was legitimate as a product of normal democratic mechanisms: it was based on parties which had an electoral mandate and had formed using normal constitutional procedures, winning an unprecedentedly level of parliamentary support in the vote of confidence.⁶⁸ The veteran Social Democrat politician Zdeněk Jičínský even went so far as to argue that the Fischer government was 'an expression of the constitutional principle that the political system is based on the functioning of political parties'. The thinly veiled party affiliations of Fischer's ministers were, in his view, a positive for the future development of party government, showing how ministers with different party backgrounds could govern calmly and co-operatively.⁶⁹ Jičínský's claim was, however, a relatively isolated one, indicating limits of elective claims that could be made for Fischer's government, as direct co-operation of big parties in government was widely understood as cartel-like - and hence illegitimate - negation of voter-party relationship. Politicians also largely avoided the historically-derived term 'government of officials' (*úřednická vláda*) used to describe technocratic governments in interwar

Czechoslovakia which had (re-)entered common usage in both Czech media commentary and academic writing. Although it might have helped present technocratic administration – and the cross-party co-operation, which underlay it - as part of an extended national tradition of party democracy, interwar governments of this type had governed without a parliamentary vote of confidence (not required under the 1920 constitution) the analogy was not an attractive one for the parties whose key representative claim was that Fischer's caretaker government, although non-party in composition, was rooted in a parliamentary - and hence an electoral - majority.

The representative claims Fischer made for his government were more technocratic in emphasis and he approached his appointment with the view that '... the job of prime minister is basically managerial'.⁷⁰ Although he was careful to note that his government was circumscribed and legitimised by its origins in an agreement between elected parties, his government's non-party and technocratic character and its ability to take some decisions independently of its supporting parties and the indirect electoral legitimacy they conferred. The government's programmatic declaration of June 2009 presented by Fischer to the Chamber of Deputies stressed not only that the government was 'high-quality, non-partisan (*nestranná*) and politically neutral administration', but also that

Unlike standard political governments, it has been not formed by a coalition of political parties. It is formed of non-party experts and does not rest on a politically clearly defined, coalition majority in the Chamber of Deputies.⁷¹

glossing over the fact that, while not dependent on a 'clearly defined, *coalition* majority' (my emphasis) his government was the product of an explicit written agreement between parties.

Fischer added in the same statement that his government 'was not only non-partisan but adheres to the idea of being - in the good sense of the word – a technocratic government'.⁷² He did not elaborate on how technocracy was to be understood. However, a distinct, if weakly stated, set of technocratic representative claims can be identified. These mostly focused on the technocratic government's ability to act in the deeper interests of society and its disinterestedness, rather than the expert status of its members. The programmatic declaration thus stressed it will be able to make 'responsible' and 'realistic' decisions and to identify areas of well-established permanent national interest (for example, in foreign policy). The declaration also stressed the government's ability to represent the whole of society by acting as a focal point and creator of social consensus by being 'uniting rather than a dividing factor in Czech society' in a time of austerity, by consulting more clearly and continuously with other representative bodies such as parties, president, interest groups than conventional party politicians could.⁷³ Fischer's technocrat-led administration was portrayed as not merely playing a bridging role between conventional party governments, but as representing the whole of society offering, albeit it in limited areas, a distinct (and better) quality of governance.

The non-elective technocratic claims made for Fischer's self-styled technocratic administration were, thus, relatively modest, stressing technocrats' disinterestedness from partisan politics, rather because of specialised governmental or administrative expertise of the type stressed in the technocracy

literature. Fischer later presented stronger, more sharply anti-party claims to technocratic claims after leaving office. In a memoir reflecting on his time as prime minister (representing himself to the Czech public as a future presidential candidate), he made clear that he saw party politicians as poorly qualified to govern because they lived in an enclosed world and lacked relevant professional or life experience. In one particularly revealing passage, recalling a conversation during his premiership with an unnamed business leader, he reflected on the possibility that a technocratic government might not be bound by a short-term interim role, but might be considered a more 'normal' state of affairs because party governments were ineffective at delivering sustained or coherent reforms.⁷⁴

Fischer as mirroring 'ordinary Czechs'

The third and most surprising set of representative claims focused not on the technocratic status of Fischer and his ministers, but on how Fischer's background outside the political class made him a culturally different type of (non-)politician. The makers of this claim appear to have been media commentators detectable whose representation of Fischer changed in late 2009, which sought to explain (but may itself have fed) his popularity. Having been initially lambasted in the media as lacking leadership qualities and experienced, Fischer was now depicted as a modest figure close in lifestyle and values to ordinary people who had triumphed as an anti-politician against the odds. Commentators now contrasted Fischer's unflamboyant manner and dress favourably with those of overbearing party politicians. Weighing up Fischer's premiership, the principal commentator of the biggest selling Czech newspaper MFDnes praised his

'feeling and talent for politics' concluding that he had "...shown that high office can be exercised competently, inventively, and unassumingly (*nepapalášsky*) with a human touch and a sense of humour".⁷⁵

Although Fischer was a well-connected member of the Czech administrative elite, whose life experience – which included regular access to cabinet meetings - diverged sharply from that of vast majority of Czechs, journalistic profiles gave considerable space to stressing his stereotypical ordinariness of the prime minister mirrored that of ordinary people. One journalist, for example, characterised his lifestyle as

'... in no way different from the life of the average Czech. (..) Each morning he leaves his panel-built flat to walk the dog and, when his schedule permits, relaxes by going on weekend walks in the Krkonoš mountains. (...) for years he and his family have regularly gone for lunch... in an ordinary restaurant in a small Central Bohemian town near his small weekend home'.

Although journalists were initially the makers of this claim, it was one that Fischer himself began to make, pointing out to interviewers his personal discomfort at using an official motorcade and sympathy for ordinary people inconvenienced by it, or relating how he taken a phone call from the White House in pyjamas in the surroundings of his modest panel-built flat.⁷⁶

The implicit representative claim in such portrayals depended not on a relationship to elected parties or the expertise conferred by membership of a disinterested administrative elite, but on what Saward terms a "mirroring claim": the descriptive similarity between the claimant and the constituency he claims to speak for".⁷⁷ In this

construction, caretaker prime minister Fischer (subject) could claim to act legitimately act for ordinary Czechs (object) because he shared and empathised with their tastes, lifestyle and values in ways that conventional party politicians (supposedly) did not. This portrayal of Fischer as an anti-political everyman - which ignored Fischer's formal institutional role, experience or expertise - echoes the classic populist construction of politics, both in sharply opposing the People and to a self-regarding elite of professional politicians and in presenting the authority of the leader as resting on authenticity, ordinariness and proximity to the People.⁷⁸

This is at first sight surprising. Populism and technocracy are widely seen as contradictory, albeit as in some senses 'opposite sides of the same coin'. As recent work in democratic theory highlights populist and technocratic claims shared an underlying critique of party-based democracy as distorting the realisation of the public interest and advocated an unmediated form of politics in which a trusted elite "discovers" this public interest – either through close identification with the People or specialist expertise. There are, however, also significant differences. While populists see parties as unresponsive cabals serving vested or minority interests, technocratic critiques see parties as too focused on meeting voter demands and winning elections, resulting in ineffective policy-making and short-termism.⁷⁹

However, viewed in terms of the representative claim-making framework, the juxtaposition of populist and technocratic claims is less surprising. Representative claims are conceived not as ideological or programmatic statements, but as a dynamic series transient events, in which claims are made with varying degrees of strength or weakness; by different (sometimes competing) actors; and may be heard by different audiences. It is thus possible for a subject to accumulate and combine multiple representative claims. Indeed, what appears to have distinguished the Fischer

government most was its capacity to quickly take on a mix of elective and non-elective representative claims. The legitimacy of (different) representative claims cannot be fully assessed without considering the final stage in the process: their reception by audiences, both intended and unintended, and the ‘acts of acceptance’ that signal this legitimacy.⁸⁰ This would require fine-grain qualitative data and the development a more systematic empirical methodologies for representative claims analysis extending to claims reception,⁸¹ taking into account underlying methodological difficulties measuring legitimacy.⁸²

Conclusions

Since the onset of the Great Recession, technocratic caretaker governments have been a recurrent feature of several European democracies, sometimes governing for extended periods. However, despite varying levels of public support – which in the case of the Fischer administration were sustained at unusually high – the question of how they are legitimated to mass publics has remained largely unexamined. This is especially the case given that technocratic caretaker administrations in post-1945 European democracies have occurred in newer crisis-prone democracies in Eastern and Southern Europe, where the existence of credible non-partisan technocrats cannot be taken for granted. These paradoxes are well illustrated by the case of the Fischer administration in Czechia, whose supposedly ‘full technocratic’ cabinet of non-party ministers concealed a complex raft of party-political affiliations and careers straddling public administration and partisan politics.

This paper has argued that the “representative claims” framework developed by Michael Saward can usefully be applied to study the legitimation of technocratic government, both because of its flexibility and as a corrective to the trend in the

literature to view technocratic governance solely through the prism of party government. Saward's framework currently lends itself more to the empirical study of claims making, rather the reception of claims – and needs theoretically to be extended beyond positive representative claims to include critical claims intended to delegitimise, which were an important aspect of the politics of the the Fischer government. Despite these limitations, when applied to the case of the Fischer government, the representative claims framework highlights several important issues: 1) that technocratic governments that, even where they occurred previously, are the subject to extensive representative claims-making and counter-claims making, triggering or reigniting wider debates about democratic representation (including party government); 2) that such the construction of representative bridge the gap between the ideal of impartial, non-partisan officialdom and the complex reality of party-state relations in newer democracies; 3) and that the technocratic label, technocratic governments will benefit from a mix of overlapping elective and non-elective claims, including novel ones such descriptive representation of the type made for Jan Fischer as an everyman anti-politician.

The mix of representative claims identified around the Fischer should also warn us against slipping into a received understanding of technocratic governments as a stopgap device for established parties, likely to provoke an opposite reaction in the form of surging populist, anti-establishment parties. The Czech case suggests, that if technocratic governments such as Fischer's are followed by a rise of anti-establishment parties, it may be because they were similar to – and prefigure - such parties, rather than being their polar opposite. A similar mix of claims - electoral mandate, technocratic policies and 'mirroring' claims of a down-to-earth leader, coupled with negative claim to be wholly unlike traditional political party - underlies

the “managerial populism” of Andrej Babiš’s highly successful ANO movement, which broke into the Czech parliament in 2013.⁸³ Elsewhere, the success of disruptive newcomers as diverse as Rafael Correa in Ecuador or Emmanuel Macron in France has been interpreted as a similar blend of technocratic and populist claims.⁸⁴

Finally we should note Fischer and other more popular ex-caretaker technocratic premiers such as Italy’s Mario Monti or Romania’s Cioloş, all of whom concluded that their brand of government should continue could be bolstered by a direct electoral mandate. Fischer (unsuccessfully) running for the Czech presidency in 2013, while Monti and Cioloş followed the template of a party-backed government of independent technocrats more closely, by running with electoral blocs of reformist parties promising some form of post-election continuation of their (as they believed, successful) technocratic administrations. Saward’s framework, which views representation as multi-faceted, fluid and changeable and asks “to make democracy strange again”⁸⁵, perhaps invites us to consider whether a democracy of teams of governing technocrats backed by parties might become a more prevalent form of democratic representation. In this sense, technocratic governments like that of Fischer may be less interlopers to the democratic process, than interesting newcomers, whose arrival signals not simply crises to be managed but also opportunities to reconfigure democratic representation

¹ D. McDonnell and M. Valbruzzi, "Defining and classifying technocrat-led and technocratic governments. *European Journal of Political Research*, 53 (2014); 654–671; G. Pastorella, "Technocratic Governments in Europe: Getting the Critique Right," *Political Studies*. 64 (2016) 948-965; G. Pastorella, "Why have technocrats been appointed to govern European democracies?" (paper presented at 44th UACES conference, Cork, Ireland, 1-3 September, 2014); M. Brunclík, "The Rise of Technocratic Cabinets: What We Know, and What We Should Like to Know," *ÖZP-Austrian Journal of Political Science*, 44 (2015): 57-67. On the broader malaise see, J. White. "Emergency Europe". *Political Studies*, 63(2015), 300-318.

² For an overview, see Pastorella, "Technocratic governments".

³ For example, R. Rose, "The variability of party government a theoretical and empirical critique". *Political Studies*, 17(1969): 413–445.

⁴ For example, J. Hopkin, "Technocrats have taken over governments in Southern Europe. This is a challenge to democracy," LSE European Politics and Policy Blog. 24 April 2012 <http://blogs.lse.ac.uk/euoppblog/2012/04/24/technocrats-democracy-southern-europe/> (accessed 16 February 2016).

⁵ For example, C. R. Conrad and S. N. Golder, "Measuring government duration and stability in Central Eastern European democracies," *European Journal of Political Research*, 49 (2010), 119-150. Remarks 120 and 124.

⁶ G. Pastorella. "Technocratic governments in Europe: getting the critique right." *Political Studies* 64 (2016): 948-965.

⁷ Pastorella, "Technocratic governments"; P. Mair "The Challenge to Party Government," *West European Politics*, 31(2008): 211-234. P. Ignazi, "Power and the

(il)legitimacy of political parties: An unavoidable paradox of contemporary democracy?" *Party Politics*, 20(2014): 160–169.

⁸ McDonnell and Valbruzzi. "Defining and Classifying", 656 and 656-7. Their discussion draws on R.S. Katz, "Party Government: A Rationalistic Conception," *The Future of Party Government: Visions and Realities of Party Government*, eds. F.G. Castles and R. Wildenmann, 31-71 (Berlin: De Gruyter, 1986).

⁹ Other comparative discussions also define technocrat ministers as non-partisans. See Pastorella, "Why have technocrats" and M. Brunclík, "Co jsou úřednické kabinetny a za jakých okolností vznikají? Česká republika v mezinárodním srovnání," *Acta Politologica* 6 (2014): 1-23.

¹⁰ Other (less) advanced forms include elected politicians delegating policy implementation to experts and officials or empowering technocrats to make policy in certain sectors. *Ibid.* 951-952.

¹¹ For broad reviews at different points see J. Meynaud, *Technocracy* (New York: Free Press, 1969); J. G. Gunnell, "The technocratic image and the theory of technocracy," *Technology and Culture*, 23(1982): 392–416; F. Fischer. *Technocracy and the Politics of Expertise* (Newbury Park, CA: SAGE, 1990); M. A. Centeno, "The new Leviathan: The dynamics and limits of technocracy," *Theory and Society*, 22(1993), 307–335.

¹² See M. Saward "Making representations: modes and strategies of political parties". *European Review*, 16 (2008), 271–286"; I. van Biezen and M. Saward, "Democratic theorists and party scholars: why they don't talk to each other, and why they should. *Perspectives on Politics*, 6 (2008), 21–35 and B. Moffitt. *The global rise of populism: performance, political style, and representation*. (Stanford, CA: Stanford University Press, 2016) 104-112 and *passim*.

¹³ M. Saward, *The representative claim*. (Oxford and New York: Oxford University Press, 2010), 141.

¹⁴ Saward, *The Representative Claim*, 36-38. Citation 36.

¹⁵ Ibid 143-148, 220-1. Saward's notion broadly parallels that of theorists such as David Beetham who also sees legitimacy in terms of perceived legitimacy of power-holders in a given social context unfolding across a series of stages. D. Beetham, *The Legitimation of Power*. (Basingstoke: Palgrave Macmillan, 2013, 2nd edition). However, unlike Beetham, Saward sees legitimacy stemming from 'reception' of representative claim without prior 'authorisation' of representation necessarily occurring.

¹⁶ The legitimacy of democracy also requires 'losers' consent'. C. J. Anderson, A. Blais, S. Bowler, T. Donovan and O. Listhaug. *Losers' Consent: Elections and Democratic Legitimacy*. (Oxford and New York: Oxford University Press, 2005).

¹⁷ R. S. Katz, "Party in democratic theory," *Handbook of Political Parties*, eds R. S. Katz and W. J. Crotty, 34–46) (London and Thousand Oaks, CA: SAGE, 2006) and Saward, *The Representative Claim*, 126-137.

¹⁸ R.S. Katz, "Party government and its alternatives," in *Party governments: European and American experiences*, eds. R. S. Katz and R. Wildenmann, 1-26 (Berlin and New York: De Gruyter), 2-3. As Katz notes this is a loose approximation of the 'responsible parties' model.

¹⁹ Saward, *The Representative Claim*, 88. A similar point is made by Katz who writes of the "ideological and emotion charge of the party government myth." Katz, "Party Government and its Alternatives", 6.

²⁰ Indeed, some have argued that even in well-functioning democracies such as those of Scandinavia ‘output legitimacy’ stemming from politicians’ ability to ensure fair impartial good governance matters far more for than ‘input legitimacy’, the effective representation of votes. B. Rothstein. Creating political legitimacy: Electoral democracy versus quality of government. *American Behavioral Scientist*, 53(2009), 311–330.

²¹ Saward, *The Representative Claim*, 96-102

²² Ibid., 105-108

²³ Meynaud, *Technocracy*, 29-32; Fischer, *Technocracy and the Politics of Expertise*, 17; Centeno, “The new Leviathan,” 314-315. See also Beetham, *The Legitimation of Power*, xv-xvi and D. Caramani, “Will vs. Reason: The Populist and Technocratic Forms of Political Representation and Their Critique to Party Government”. *American Political Science Review*, 111 (2017), 54–67.

²⁴ Saward, *The Representative Claim*, 98.

²⁵ See McDonnell and Valbruzzi, “Defining and Classifying”; Pastorella “Why have technocrats” and Brunclík, “Co jsou úřednické kabinetý”.

²⁶ M. Brunclík, “Problem of early elections and dissolution power in the Czech Republic,” *Communist and Post-Communist Studies*, 46(2013), 217–226. Pastorella finds that the incidence of technocratic governance is negatively correlated with the existence of the constructive vote of no confidence. Pastorella, “Why have technocrats”.

²⁷ However, the caretaker administrations of Oresharski (2013-4) and Bliznashki (2014) in Bulgaria; and Rusnok in the Czech Republic (2013); would not, strictly speaking qualify as technocratic governments in McDonnell and Valbruzzi’s terms because their non-party premiers had all previously held or run for office under a party

banner. Romania's technocrat premier Dacian Cioloş (2015-6) held ministerial, but not elected office in a previous party administration.

²⁸ I. van Biezen, *Political parties in new democracies* (Basingstoke: Macmillan, 2003) and F. Casal Bértoa, "Political parties or party systems? Assessing the 'myth' of institutionalisation and democracy," *West European Politics*, Electronic pre-print 29, August, 2016.

²⁹ E. Bertou and G. Pastorella, "Technocratic attitudes: a citizens' perspective of expert decision-making," *West European Politics*, 40 (2017): 430-458. Distrust of representative democratic institutions and support for technocracy are especially strong in post-communist Europe.

³⁰ See D. A. Sotiropoulos, "Southern European Public Bureaucracies in Comparative Perspective," *West European Politics*, 27 (2004), 405-422 and A. Grzymała-Busse, *Rebuilding Leviathan: Party Competition and State Exploitation in Post-Communist Democracies* (Cambridge: Cambridge University Press, 2007).

³¹ V. I. Ganey, "Bulgaria's Year of Civic Anger," *Journal of Democracy*, 25(2014), 33–45.

³² The 1992-4 government of Lyuben Berov (656 days) and the 1995-6 Dini government in Italy (486 days) lasted longer. Fischer's administration was in office for 431 days including its period as an 'outgoing government' (*vláda v demisi*) after Fischer's formal resignation.

³³ McDonnell and Valbruzzi, "Defining and Classifying". It was also the product of inter-party concertation with limited input from the (then) president Václav Klaus, See M. Brunclík, "Three Technocratic Cabinets in the Czech Republic: A Symptom of Party Failure?," *Politics in Central Europe*, 12(2016), 7–28.

³⁴ For broader discussions see V. Hloušek and L. Kopeček, “Caretaker governments in Czech politics: What to do about a government crisis”. *Europe-Asia Studies*, 66(2014), 1323-1349 and M. Brunclík, “Three Technocratic Cabinets”.

³⁵ According to CVVM trust in Fischer and his government reached 75 per cent and 73 per cent respectively. ‘Členům vlády ČR důvěruje polovina občanů, premiéra chválí skoro všichni’, 9 March 2010. Online at https://www.stem.cz/wp-content/uploads/2015/12/1933_1255.pdf (accessed 1 December, 2016).

³⁶ Monti’s approval fell from with 71 to 36 percent after a year in office. . “Two-thirds of Italians do not want second Monti government”, Reuters, 16 November 2012, <http://uk.reuters.com/article/uk-italy-monti-poll-idUKBRE8AF0KT20121116> (accessed 2 Decembe, 2016); “Gabriela Firea: Won’t give up tenure under any circumstances,” Nine O’Clock, 18 November 2016, <http://www.nineoclock.ro/gabriela-firea-wont-give-up-tenure-under-any-circumstances-president-must-appoint-winning-coalitions-pm/> (accessed 2 December 2016).

³⁷ P. Kopecký, “The Rise of the Power Monopoly: Political Parties in the Czech Republic,” in *Post-Communist EU Member States Parties and Party Systems*, ed. S. Jungerstam-Mulders, 125–46 (Aldershot: Ashgate, 2006). In Katz’s terms, this combination equates to high ‘partyiness of government’ and low ‘party governmentness’ in society. See Katz, “Party Government: A Rationalistic Conception”.

³⁸ 27 of 201 appointments, counting individual ministers separately at each (re-)appointment. The Tošovský and Fischer administrations are omitted. K. Seki, Katsunori and L.K Williams, “Updating the Party Government” Data Set,” *Electoral Studies*. 34 (2014): 270–279.

³⁹ P. Kopecký, "Give me trafika: Party patronage in the Czech Republic," in *Party Patronage and Party Government in European Democracies*, eds. P. Kopecký, P. Mair and M. Spirova, 74-92 (Oxford and New York: Oxford University Press, 2012).

⁴⁰ Article 35 of the Constitution allowed for early dissolution by the president if the Chamber: a) had failed three times to pass a vote of confidence in the prime minister designated by the president; b) failed for more than three months to decide upon a bill which the government had made a matter of confidence; c) been adjourned for longer than the permitted period; or d) was unadjourned but had been inquorate for more than three months. See Brunclík, "Problem of early elections and dissolution of power in the Czech Republic".

⁴¹ See Havlík, V., & Kopeček, L. (2008). Krize vládnutí v České republice. Analýza působení volebního a stranického systému a návrhy možných řešení. *Politologický časopis-Czech Journal of Political Science*, (3), 183–205 and S. Balík and V.Hloušek, "The development and transformation of the Czech party system after 1989". *Acta Politologica*, 8 (2016), 103-117.

⁴² Shortly after the agreement had been signed, the executive of the Christian Democrats (KDU-ČSL), who were internally split over the party's strategy and future direction, withdrew their participation.

⁴³ K. Williams, "When a Constitutional Amendment Violates the 'Substantive Core': The Czech Constitutional Court's September 2009 Early Elections Decision," *Review of Central and East European Law*, 36(2011), 33–51.

⁴⁴ "Zpráva premiéra k programovým prioritám vlády," Aktuálně.cz, 21 October 2010, <http://aktualne.centrum.cz/domaci/politika/clanek.phtml?id=650739> (Accessed 2 November, 2016).

⁴⁵ This is broadly Fischer's own account of the position of Statistical Office, but is confirmed by the memoirs of the Czech-Canadian statistician Edvard Outrata who dealt with professionally with the Czechoslovak Statistical Office during the communist period. Fischer, *Ano, pane premiére*, 47-54; V. Růžička and E. Outrata, *Destrukce české státní správy: O výjimečném životě státního úředníka ve výslužbě* (Prague: Vyšehrad, 2014). Martin Horak finds similar variation across policy sectors in his study of Prague city governance with institutions such as the transport planning office exhibiting high levels of bureaucratic autonomy, both before and after 1989. M. Horak, *Governing the post-communist city: institutions and democratic development in Prague* (Toronto: University of Toronto Press, 2007).

⁴⁶ The post of *náměstek* ('deputy minister' or 'state secretary') was an ambiguous one: while a *náměstek* might be a state official, the post of first *náměstek* was often held by a politician from a different coalition party to that of the minister.

⁴⁷ The Justice Minister, Daniela Kovářová who was the education director of the Czech Chamber of Lawyers; the Education Minister, Miroslava Kopicová; and the Human Rights Minister, Michael Kocáb, a musician and civic activist.

⁴⁸ On the basis of party membership or standing for a party, eight: Bízková (ODS), Chmiel (ODS) Dusík (Greens), Jurašková (ODS), Kocáb (Green), Kohout (ČSSD), Miko (Slovak Greens), Pecina (ČSSD). Defence minister Martin Barták was a former advisor to ODS politician Petr Nečas. See "ODS: Bartáka nominovala TOP 09" - E15.cz / zprávy. E15. 8 September 2009, <http://zpravy.e15.cz/domaci/politika/ods-bartaka-nominovala-top-09-293568> (Accessed 22 March, 2013).

⁴⁹ E. Tabery, "Zbytečná vláda," 6 April, 2009, <http://respekt.ihned.cz/analyza/c1-36634430-zbytecna-vlada> (accessed 1 February 2017).

⁵⁰ F. Čížková, “Nový premiér Fischer? Šedý mor!” *Blesk.cz*, 6 April 2009, <http://www.blesk.cz/clanek/celebrity-komentare-frantisky/112965/frantiska-hodnoti-novy-premier-fischer-sedy-mor.html> (accessed 1 February 1 2017).

⁵¹ M. Fendrych, “Chceš být premiér? Byl jsi v KSČ,” *Týden*, 6 April 2009, http://www.tyden.cz/rubriky/domaci/nazory/chces-byt-premier-byl-ysi-v-ksc_113638.html (accessed 14 February 2017).

⁵² As Burešová and J. Syllová note, article 62.d of the Czech Constitution explicitly envisaged that the caretaker governments will be exercised by the outgoing party administration re-appointed for this purpose by the president. E. Burešová and J. Syllová “Úřednické vlády a jejich ústavní zakotvení,” *Parlamentní institut, Studie* 1.177. October 2006, https://invenio.nusl.cz/record/188985/files/nusl-188985_1.pdf (accessed 1 August 2016).

⁵³ “Bém: Fischerova vláda je skrytou velkou koalicí,” *Týden* 29 April 2009, http://www.tyden.cz/rubriky/domaci/politika/bem-fischerova-vlada-je-skrytou-velkou-koalici_117235.html (accessed December 1, 2016).

⁵⁴ See L. Kopeček, *Deformace demokracie? Opoziční smlouva a česká politika 1998–2002* (Brno: Barrister & Principal, 2015).

⁵⁵ For example, B. Pečinka, “Vláda odborníků. tedy lobbistů,” *MF Dnes*, 14 April, 2009.

⁵⁶ Fischer se rozzuřil při zmínce o Bursíkovi, možná ho požene k soudu. *Novinky.cz* 1 February 2010. <https://www.novinky.cz/domaci/190849-fischer-se-rozzuril-pri-zmince-o-bursikovi-mozna-ho-pozene-k-soudu.html> (accessed 31 July 2017).

⁵⁷ US diplomats privately rated Fischer’s political skills as excellent. Wikileaks cable 09PRAGUE681 “Czech interim government exceeds expectations”, 20 November 2009, https://wikileaks.org/plusd/cables/09PRAGUE681_a.html (accessed 5 October 2016).

⁵⁸ In Kriesi and Pappas's composite index of economic crisis in 18 European countries, the Czech Republic ranks fifth. H. Kriesi and T. S. Pappas. "Populism in Europe During Crisis: An Introduction," in *European Populism in the Shadow of the Great Recession*, eds. H. Kriesi and T.S. Pappas, 1-22. Reference 16 (Colchester: ECPR Press, 2015).

⁵⁹ For a discussion see A. Roberts "Czech exceptionalism," In S. Balík, V. Hloušek, L. Kopeček, J. Holzer, P. Pšejja and A. Roberts. *Czech Politics: From the West to East and Back Again*. (Leverkusen: Barbara Budrich, 2017).

⁶⁰ A. Tucker, K. Jakeš, M. Kišš, I. Kupcova, I. Losman, D. Ondračka, J. Outlý and V. Stýskalíková, "From Republican Virtue to Technology of Political Power: Three Episodes of Czech Nonpolitical Politics," *Political Science Quarterly*, 115 (2000), 421–45.

⁶¹ For example, in their analysis of the determinants of public demand for technocratic governance, Bertou and Pastorella find a relatively low residual in the Czech Republic that might correspond to national political-cultural traditions. Linek's research on anti-party attitudes among the Czech public concluded finds that they were performance-related, rather than simply cultural. Bertou and Pastorella "Technocratic attitudes" and L. Linek, "Dimenze antistranických postojů české veřejnosti," *Naše Společnost*, 10 (2004), 21–25.

⁶² M. Hadjiisky, "The failure of the participatory democracy in the Czech Republic", *West European Politics*, 24 (2001), 43–64.

⁶³ Saward, *The Representative Claim*, 147, 75-77.

⁶⁴ For example, in debates in 1992 on the Constitution of the independent Czech Republic. See K. Marková, "Obraz první Československé republiky při projednávání Ústavy ČR," *Středoevropské Politické Studie*, 18(2016), 197–222.

⁶⁵ S. Hanley, “Normative Concepts of Party in Post-Communist Party System Formation: the Czech Case 1990-1998”, (unpublished PhD thesis, University of Birmingham, 2000).

⁶⁶ Saward, *The Representative Claim*. 109

⁶⁷ “S Fischerem je Klaus spokojený, s označením ‚vláda odborníků‘ ne” - iDNES.cz. 6 April 2009, http://zpravy.idnes.cz/s-fischerem-je-klaus-spokojeny-s-oznaceni-vlada-odborniku-ne-pt8-/domaci.aspx?c=A090406_123855_domaci_klu (Accessed 1 March, 2013).

⁶⁸ As Burešová and J. Syllová note, article 62.d of the Czech Constitution explicitly envisaged that the caretaker governments will be exercised by the outgoing party administration re-appointed for this purpose by the president. E. Burešová and J. Syllová “Úřednické vlády a jejich ústavní zakotvení,” Parlamentní institut, Studie 1.177. October 2006, https://invenio.nusl.cz/record/188985/files/nusl-188985_1.pdf (accessed 1 August 2016).

⁶⁹ Speech in the Chamber of Deputies, 7 June 2009, <http://www.psp.cz/eknih/2006ps/stenprot/058schuz/s058009.htm#r2> (accessed 1 November 2016).

⁷⁰ Fischer, Ano, pane premiére, 79-80.

⁷¹ “Programové prohlášení vlády ČR,” <http://www.vlada.cz/assets/clenove-vlady/historie-minulych-vlad/prehled-vlad-cr/1993-2007-cr/jan-fischer/ppv-2009.pdf> (Accessed 16 February 2017).

⁷² Ibid.

⁷³ “Programové prohlášení vlády ČR”.

⁷⁴ Fischer, Ano, pane premiére, 79-80.

⁷⁵ M. Komárek, “I loutkový Fischer udělal dojem,” iDnes.cz. 11 May 2010, http://zpravy.idnes.cz/nazor-i-loutkovy-fischer-udelal-dojem-d8v-/domaci.aspx?c=A100511_1382451_domaci_itu (Accessed 16 February 2017).

⁷⁶ O. Kundra, “Fischerova hvězda,” *Respekt*, 20 December, 2009, <https://www.respekt.cz/tydenik/2009/52/fischerova-hvezda> (accessed 12 December 2016).

⁷⁷ Saward, *The Representative Claim*, 99.

⁷⁸ B. Stanley, “The thin ideology of populism,” *Journal of Political Ideologies*, 13(2008), 95–110. See especially 104-5. However, key populist idea of a united sovereign People mobilising behind a leader or party in the streets or at the ballot box was absent.

⁷⁹ See C. Bickerton and C. Accetti, “Populism and technocracy: opposites or complements?,” *Critical Review of International Social and Political Philosophy*, 20 (2017): 186-202 and D. Caramani, “Will vs. Reason”.

⁸⁰ Saward, *The Representative Claim*, 143-163. Beetham, similarly, envisages ‘appropriate acts of recognition and acknowledgement’ the last stage in the process of legitimation. Beetham, *The Legitimation of Power*, xiv.

⁸¹ P. De Wilde. Representative claims analysis: theory meets method. *Journal of European Public Policy*, 20 (2013), 278–294. De Wilde suggests social media posts or reader comments on reports on online media as a data source to measure and track reception. Saward himself anticipates ‘thick description or close interpretive work’. *The Representative Claim* 183 fn 12 James Dawson’s semi-ethnographical approach of citizens’ understandings of democracy framed by expectations derived from democratic theory offers another possible avenue. J. Dawson, *Cultures of*

democracy in Serbia and Bulgaria: how ideas shape publics. (Farnham and Burlington, VT: Ashgate).

⁸² For a review see C. von Haldenwang. *Measuring Legitimacy – New Trends, Old Shortcomings?*. (Bonn, German Development Institute, Discussion Paper 18/16, 2016.)

⁸³ O. Císař, *Czech Republic: from post-communist idealism to economic populism.* (Berlin: Friedrich-Ebert-Stiftung. 2017). See V. Havlík, “The Rise of Party Populism in the Czech Republic” in *European Populism in the Shadow of the Great Recession*, eds. H. Kriesi and T. S. Pappas, 199-216 (Colchester: ECPR Press, 2015) .

⁸⁴ C. De la Torre, Carlos. "Technocratic populism in Ecuador." *Journal of Democracy* 24 (2013): 33-46 and M. Leonard, “The Macron Method”. Project Syndicate. 29 May 2017. Online <https://www.project-syndicate.org/commentary/macron-project-to-unite-europe-by-mark-leonard-2017-05> (accessed 1 June 2017).

⁸⁵ Saward, “The Representative Claim”, 167.