

VETO ET PETO:
Patterns of Presidential Activism
in Central and Eastern Europe

Philipp Köker

UNIVERSITY COLLEGE LONDON

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Declaration

I, Philipp Köker confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Abstract

The powers of Central and East European presidents have been subject to a number of studies. Paradoxically, only a few scholars have tried to explain how presidents actually *use* them. This thesis maps and explains patterns in the activism of democratic presidents in Central and Eastern Europe (CEE). It proposes a new theoretical framework for the study of presidential activism, defined as the discretionary use of formal presidential powers, and argues that it can be explained by the constitutional setting and the political environment. To test these hypotheses, the study employs a nested analysis approach. Thereby, the patterns of presidential activism are assessed using an original data set on the use of presidents' legislative powers in nine CEE democracies between 1990 and 2010, and the thesis provides one of the first cross-country empirical analyses of the actual use of presidents' reactive powers to date. Based on the predictions of the statistical model 12 president-cabinet pairings from four countries (Estonia, Hungary, Poland, 4.) are selected for in-depth case studies. The qualitative analysis then uses the results of 65 semi-structured elite interviews and ample source material to examine the validity of the statistical results. A particular focus is placed on the use of presidential vetoes and presidential activism in government formation, censure and dismissal. The study finds most of the hypotheses confirmed. Most prominently, the findings show that popular presidential elections, cohabitation between president and government as well as a low seat share of the government are the most important predictors of presidential activism. These factors are not only strongly correlated with a more frequent use of powers, but the mechanisms of effect are also demonstrated in case studies. Furthermore, the qualitative analysis suggests intra-governmental divisions as an additional explanatory factor which should be included in future studies of presidential activism.

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List of abbreviations

Political parties

ANO	Alliance of the New Citizen (Aliancia nového občiana)
APR	Alliance of Political Realism (Aliancia politického realizmu)
AWS	Electoral Action Solidarity (Akcja Wyborcza Solidarność)
BBWR	Non-partisan Bloc for the Support of Reforms (Bezpartyjny Blok Wspierania Reform)
DÚ	Democratic Union (Demokratická únia)
Fidesz	Hungarian Civic Union (Fiatal Demokraták Szövetsége/Magyar Polgári Párt)
FKgP	Independent Smallholders' Party (Független Kisgazdapárt/Földmunkas-es Polgári Párt)
HZD	Movement for Democracy (Hnutie za demokraciu)
HZDS	Movement for a Democratic Slovakia (Hnutie za demokratické Slovensko)
IL	Pro Patria (Isamaaliit)
IRL	Pro Patria and Res Public Union (Isamaa ja Res Publica Liit)
KDH	Christian Democratic Movement (Kresťanskodemokratické hnutie)
KE	Centre Party (Keskerakond)
ES-HZDS	People's Party - Movement for a Democratic Slovakia (Ľudová strana – Hnutie za demokratické Slovensko; successor to HZDS)
LiD	Left and Democrats (Lewica i Demokraci)
LPR	League of Polish Families (Liga Polskich Rodzin)
MD	Moderates (Mõõdukad)
MDF	Hungarian Democratic Forum (Magyar Demokrata Fórum)
MSZP	Hungarian Socialist Party (Magyar Szocialista Párt)
MKDH	Hungarian Christian Democratic Movement (Mad'arské kresťanskodemokratické hnutie)
PiS	Law and Justice (Prawo i Sprawiedliwość)
PO	Civic Platform (Platforma Obywatelska)
PSL	Polish Peasant Party (Polskie Stronnictwo Ludowe)
RE	Reform Party (Reformierakond)
RL	People's Party (Rahvaliid)
RP	Res Public Party (Erakond Res Publica)
SD	Social Democratic Party (Sotsiaaldemokraatlik Partei; successor to MD)
SDL	Party of the Democratic Left (Strana demokratickej ľavice)
SLD	Democratic Left Alliance (Sojusz Lewicy Demokratycznej)

SDK	Slovak Democratic Coalition (Slovenská demokratická koalícia; later SDKÚ)
SDKÚ	Slovak Democratic and Christian Union (Slovenská demokratická a kresťanská únia)
SMER-SD	Direction - Social Democracy (SMER - Socialna demokracia)
SMK/MKP	Party of the Hungarian Coalition (Strana maďarskej koalície/Magyar Koalíció Pártija)
SNS	Slovak National Party (Slovenská národná strana)
SO	Self-Defence (Samoobrona)
SOP	Party of Civic Understanding (Strana občianskeho porozumenia)
SZDSZ	Alliance of Free Democrats (Szabad Demokraták Szövetsége)
UP	Labour Union (Unia Pracy)
UW	Freedom Union (Unia Wolności)

Other abbreviations

CEE	Central and Eastern Europe
EHA	Event history analysis
EU	European Union
KRRiT	National Radio and Television Council (Krajowa Rada Radiofonii i Telewizji)
NATO	North Atlantic Treaty Organisation
NB	Negative binomial regression
NRSR	National Council of the Slovak Republic (Národná rada Slovenskej republiky)
UMS	Union of Towns of Slovakia (Únia miest Slovenska)
ZINB	Zero-inflated negative binomial regression
ZMOS	Association of Towns and Villages of Slovakia (Združenie miest a obcí Slovenska)

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INTRODUCTION

veto, vetare, vetavi, vetatus – to reject, forbid, prevent, prohibit

peto, petere, petivi, petitus – to request, demand, ask, desire

The democratic transition in Central and Eastern Europe (CEE) after 1989 has produced a multitude of political systems in which presidents possess more than just ceremonial powers. The new constitutions have vested presidents with the right to veto legislation or forward it to the Constitutional Court and some have even been granted the right of legislative initiative. More than half of the presidents are elected by popular vote and play a role in government formation and dismissal or enjoy prerogatives in foreign and defence policy. Political practice has shown that presidents made very different use of their powers. Some individual office holders appeared to be more active than others and particular countries exhibited either very active incumbents who made frequent use of their powers or inactive presidents who refrained from involving themselves in day-to-day political decision-making.

Presidents and their powers have traditionally been discussed in the literature with regard to regime types and their definition. Particularly the introduction of semi-presidentialism as a ‘third’ regime type between presidentialism and parliamentarism by Maurice Duverger (1978; 1980) spawned great discussion. As Duverger’s (1978; 1980) definition of semi-presidentialism hinged on the notion that the president ‘possesses

quite considerable powers' (Duverger 1980, 166)¹, several political scientists have suggested (re-)definitions and interpretations of the term (Shugart and Carey 1992; O'Neill 1993; Linz 1994; Sartori 1997; Bahro, Bayerlein and Vesper 1998; Elgie 1998; Elgie 2004). Elgie's (1999b) suggestion to exclude the criterion of 'considerable powers' from the definition has now become the academic standard², yet a great number of political scientists have still developed a variety of ways to measure presidential powers (Shugart and Carey 1992; Roper 2002; Siaroff 2003; with specific reference to CEE: McGregor 1994; Hellmann 1996; Frye 1997; Ishiyama and Velten 1998; Metcalf 2000; 2002; Krouwel 2003). Typically, these measuring schemes were developed as part of definitions of new regime types or alternative classifications (Shugart and Carey 1992; Krouwel 2003; Siaroff 2003) as well as to study the impact of presidential power on democratic consolidation and regime stability (Frye 1997; Ishiyama and Velten 1998; Metcalf 2000; Roper 2002; Krouwel 2003; Beliaev 2006) or economic development (Hellmann 1996; Frye 1997).

Despite the prominence of presidential powers in academic debates, the study of how presidents actually *use* them is still very limited. While there are a number of valuable case studies that explore the functioning of different regime types or the politics of individual presidents in Central and Eastern Europe (e.g. chapters in Taras 1997; Elgie 1999a; Elgie and Moestrup 2008a; Hloušek 2013a), the use of presidential powers is rarely their main focus and directly elected presidents tend to receive more scholarly attention than those elected by parliament. Empirical cross-country studies almost only exist in the area of presidential involvement in government formation in Western and Eastern European democracies (Neto and Strøm 2006; Schleiter and Morgan-Jones

¹ '(1) The president of the republic is elected by universal suffrage, (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them' (Duverger 1980, 166).

² This thesis therefore also uses the term 'semi-presidentialism' in this way.

2009b; 2010; Tavits 2008). Yet, these studies are confined to using the share of non-partisan cabinet ministers as a proxy for measuring presidential activity and thus, too, do not analyse the actual *use* of presidential powers. With the exception of Tavits' (2008) study of the effect of the president's mode of election on presidential activism as well as the divisiveness of presidential elections and political disillusionment, there are no comprehensive comparative studies that deal specifically with the use of presidential powers and that attempt to explain differences in presidential activism more generally. Unfortunately, Tavits (2008), too, partly relies on proxies rather than direct indicators of presidential activism. The use of presidential powers in (European) parliamentary and semi-presidential systems thus remains understudied. There is a need to develop theoretical explanations as well as to gather new quantitative and qualitative data that allows for an adequate test of traditional assumptions and new hypotheses.

Studying how presidents make use of their powers also has a practical and very current relevance. Presidents have become the most common head of state among the democracies of the world. Only few states operate a presidential system in which the president is the sole executive; more often, presidents share executive power with Prime Ministers and their governments (Siaroff 2003). Even though countries differ greatly in how much power is vested in the presidency, presidents always possess at least some power and even the least powerful presidents play an important functional and procedural role in their political systems apart from ceremonial duties (Tavits 2008). Presidents sign acts passed by parliament and proclaim new laws and are thus the last check-and-balance on the legislative process (Strohmeier 2010). Even when constitutions do not mention it explicitly, legal scholars have argued that they still have the right to refuse their signature under bills that would violate the constitution (Degenhardt 2008). Furthermore, constitutional rules leave room for interpretation and presidents just as

other political actors have the possibility to fill these gaps through their practice (Baylis 1996; Protsyk 2006; de Raadt 2009). Due to their prominent position, presidents can also influence political decisions through statements, speeches and other kinds of public appearances (Kaltefleiter 1970; Hager and Sullivan 1994; Tavits 2008).

Presidents and the way they become active thus matter fundamentally for the functioning of any republican political system. Conflicts between president and government and presidential interference in legislative matters can not only lead to ineffectiveness in governing but also to a slowdown of the legislative process and delay of political reforms (Protsyk 2005a). Presidents can also complicate government formation (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b) with largely the same effect. Finally, intense discussions about the role of the presidency and – more specifically – the mode of the election of the president surface regularly, particularly in Central and Eastern Europe. The question of how the head of state should be elected was one of the key discussions surrounding the creation of the presidencies (Ismayr 2010b; see also case studies in Zielonka 2001) and resurfaced repeatedly in Estonia (Lagerspetz and Maier 2010), Hungary (Körösény, Fodor and Dieringer 2010), Lithuania (Protsyk 2005b) and Bulgaria (Ganev 1999). Following public demand, the Czech Republic changed its mode of presidential elections from indirect to direct elections in 2013 (Nováček 2011; Hloušek 2013b), after popular elections had already been introduced in Slovakia in 1999 (Kipke 2010). The discussions about the mode of election were thereby also always connected to the way in which office holders used their powers or would use under the new system.

A study of presidential activism in Central and Eastern Europe

The aim of this thesis is to map and explain patterns in the activism of presidents in the democracies of Central and Eastern Europe. The question at the heart of this study asks why presidents become active and use their powers and what determines their decisions to do so. Although a sizeable amount of literature has been devoted to the study of presidents, this crucial question has not been satisfactorily answered yet. In providing an answer to this question, this thesis seeks to make a number of important contributions to the study of presidential activism on a theoretical, empirical, and methodological level.

First, this thesis proposes a new theoretical framework for explaining presidential activism. It is argued that presidential activism is determined by a combination of constitutional factors – the mode of presidential election, term limits, and the electoral cycle – and variations in the political environment, i.e. the relationship between president, government, and parliament as well as the relative strength and resources of these actors. While these arguments have been used in previous studies of presidential activism in parliamentary, semi-presidential and presidential systems, it is the first time that they are united in a coherent framework and that underlying assumptions about presidential motivations are spelled out and clearly defined. Furthermore, this study provides for the first time a clear and non-normative definition of presidential activism.

Second, this thesis relies on original and comprehensive quantitative and qualitative data on presidential activism. I will use a new quantitative data set on the use of presidents' legislative powers covering nine countries between 1990 and 2010. As further outlined below, the data set not only contains data of exceptional detail about when and how often presidents used their powers but also about the respective political conditions and institutional settings under which activism occurred. My analysis is also based on the results of 65 semi-structured interviews with relevant political elites that allow for

unprecedented insights into the working mechanisms and practices behind the use of presidential powers. Thereby, this study provides the first empirical cross-country analysis of the *actual use* of presidential powers to date and is able to assess the validity of a number of assumptions and hypotheses which could hitherto only imperfectly be tested empirically.

Third, this thesis employs nested analysis (Lieberman 2005), a genuine mixed-methods approach that integrates the use of quantitative and qualitative methods into a coherent framework. While Tavits (2008) also uses both regression analysis and qualitative case studies in her study of presidential activism, nested analysis is built on a more sophisticated three-step process to ensure a clear link between the purposes of different methods. The results of each method are used to improve the application of the respective other method and the interpretation of results. At the same time, nested analysis also possesses all advantages that have traditionally been associated with mixed-approaches. By combining two different methodologies it helps to overcome the inherent deficiencies of each approach and increases the validity and reliability of findings (Coppedge 1999; Lieberman 2005; Bryman 2006).

Finally, this thesis will contribute to the recently revived debate on the effects of the mode of election on presidential activism and its results allow for reassessing traditional assumptions about the working of different regime types and the consequences of regime choice and constitutional reform. It will also significantly expand existing scholarship on presidents more generally by highlighting new avenues of research across political systems. Last, explaining why, when and how presidents exercise their powers has implications not only for presidential studies but it also helps to understand how political actors in general act within a given institutional context and how external influences change their paths of actions.

The democracies of Central and Eastern Europe³ are particularly suited for studying presidential activism as part of a comparative analysis. Their new political systems were all created during the same, comparatively short period of time after the fall of Communism between 1989 and 1993. Since then, these countries have shared a common trajectory of development and were confronted with similar challenges. Domestically, political actors had to accustom themselves to the new ‘rules of the game’ and implement economic reforms to complete the transformation from planned to market economy. In seeking to gain accession to NATO and the EU all states also faced analogous external pressures. These similarities, paired with the regional closeness, hold the political context and other factors such as history and culture relatively constant. Finally, after more than 20 years of democratic consolidation it is possible to analyse patterns of presidential activism rather than only individual examples of the use of powers as well as to achieve meaningful and generalizable results through the use of quantitative methods.

Table 1: Presidents in Central and Eastern Europe, 1990-2010

Country	Inauguration of first democratic president	Mode of election	Number of incumbents
Bulgaria	08/1990	Direct*	3
Czech Republic	01/1993	Indirect	2
Estonia	10/1992	Indirect	3
Hungary	08/1990	Indirect	4
Latvia	07/1993	Indirect	3
Lithuania	10/1992	Direct	4
Poland	12/1990	Direct	4
Romania	05/1990	Direct	3
Slovakia	02/1993	Indirect (1993-98)	1
		Direct (1999-present)	2
Slovenia	12/1991	Direct	3

* Since 01/1992; the first election was still held in the Constitutional Assembly.

³ For the purpose of this study, I define ‘Central and Eastern Europe’ as those countries that joined the EU as part of its Eastern enlargement in 2004/2007, i.e. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

A study focussing on such similar cases inevitably shares some of the features of Przeworski and Teune's (1979) most similar systems design. Yet at the same time this set of countries is characterised by considerable variation on all variables that have been associated with presidential activism – ranging from the constitutional setting to the political environment – as well as the extent to which individual presidents have actually used their powers. As variation on independent and dependent variables is key to achieving meaningful results (Geddes 1990; King, Keohane and Verba 1994), the presidencies of CEE present the ideal basis to test hypotheses on presidential activism.

Defining presidential activism

Despite the frequent use of the term in the literature, no universal definition of 'presidential activism' exists. It is most commonly used in the context of the U.S.-American presidency and either refers to the use of the presidential veto, executive decrees or other formal powers (Spitzer 1988; Deering and Maltzman 1999) or it describes policy initiatives and appointments – often with regard to their comparatively high or low number (Cohen 1982; Beck 1987; Tichenor 1999; Cohen and Krause 2000; Krent 2005; Edwards 2009a). Some authors use the term to refer to undesirably extensive use of presidential powers (Murphy 1984; Schlesinger 1997) or the success of presidential initiatives and the president's personal commitment to the office (Greenstein 1979). With regard to parliamentary and semi-presidential systems, however, the term is most frequently used to describe the '*intense use* of presidential discretionary powers' (Tavits 2008, 30; emphasis added) or presidents' informal exercise of influence over policy. Presidential activism is also often equated with objectionable interference in legislative affairs or government formation (Nousiainen 2001; Almeida and Cho 2003; Kristinsson 2009) or a means for presidents to accumulate power by non-democratic means (Sedeli-

us 2006). The only common denominator of these definitions is that they all focus on presidential behaviour apart from ceremonial duties, i.e. their discretionary actions. In addition to the ambiguous overall use of the term, it carries a strong normative component (particularly in the European context) and the discussion often focuses on the possible negative consequences of activism rather than its causes.

A systematic assessment and explanation of presidential activism requires a clearer specification of the scope of the definition and stripping the term of its normative/negative connotations. For the purpose of this study I will therefore define presidential activism as *the discretionary use of formal presidential powers by the president*. Thereby, the focus on discretionary action incorporates the largest commonality of existing research and excludes any actions required of a president by law or constitutional practice.⁴ Defining presidential activism as the use of formal powers, i.e. those granted by the constitution, also facilitates operationalisation as it can be unambiguously determined when a power has been used. As sometimes even the mere threat to exercise a certain power can be as effective as their actual use (see e.g. Spitzer 1988; Deen and Arnold 2002; Kernell and Kim 2006) the term ‘use of powers’ is to be understood as both the actual exercise of a formal presidential power and the threat or public declaration to do so. Due to limitations in terms of data and the lack of previous systematic research in the European context, this study will only be able to provide limited evidence on such threats.⁵ Nevertheless, only the the actual use of powers can guarantee the desired effect.⁶ Thus, focussing on the actual use of formal powers as an indicator of presidential activism seems justified – although it naturally imposes some limitations (e.g.

⁴ Nevertheless, the refusal to perform such duties might arguably qualify as activism.

⁵ Findings should however still provide a sufficient basis for future studies of presidential threats.

⁶ Furthermore, contrary to the actual use of powers, threats or public declarations to use powers can be made with varying degrees of intensity and sincerity (e.g. Polish president Kaczyński’s threat to veto all bills of a government [PAP 2006] versus a threat to veto very specific bills [PAP 2008]), which makes a systematic assessment within the framework of this study even more difficult.

underestimation of the total amount of presidential activism). These issues will still be considered in more detail at a later point in this thesis (see Chapter 1.3 ‘Discussion: Scope and limitations’). Finally, given that it is presidents’ prerogative to use these powers, incumbents cannot objectively ‘over-use’ them or employ them to an objectionable extent. By adopting such a definition, this study does not aim to make any normative judgement about whether the exercise of presidential powers is positive or negative (e.g. if activism is dangerous or beneficial for democratisation or the policy process). It focusses on the determinants of the use of presidential powers and leaves it to future research to investigate such questions.

A number of political scientists have produced lists of formal presidential powers – typically with the intention to describe or measure presidential power in some way (Duverger 1978; Shugart and Carey 1992; Lucky 1994; McGregor 1994; Hellmann 1996; Frye 1997; Metcalf 2000). However, most lists are dominated by powers that are only significant in states of emergency or describe presidential duties rather than real powers which presidents can exercise at their discretion. Shugart and Carey’s (1992) list of ‘basic’ powers (which they devise as part of their measurement scheme of presidential power) and the additions by Metcalf (2000) provide the most useful basis for this study. It is not only parsimonious enough to guide the study at hand but also only includes powers in whose exercise presidents have a margin of discretion.

Table 2: Basic presidential powers in Shugart and Carey (1992) and Metcalf (2000)

Legislative Powers	Non-legislative Powers
Package Veto	Cabinet Formation
Partial Veto	Cabinet Dismissal
Decree	Censure
Budgetary Powers	Dissolution of Assembly
Legislative Initiative (reserved policy areas)	
Proposal of Referenda	
Judicial Review *	

Notes: * Power added by Metcalf (2000).

Source: Shugart and Carey (1992); Metcalf (2000).

To account for the specific constitutional stipulations in Central and Eastern Europe, I adapt the list with the following modifications. First, decree powers and budgetary powers have not been granted to any Central and East European president and their use cannot be investigated here. Second, vetoes will be included as a single category (no president in my sample has a constitutionally guaranteed partial veto).⁷ Furthermore, all types of legislative initiatives will be included in this study (not only those in reserved policy areas).⁸ Referenda also have to be excluded from this study as only very few presidents can call referenda at will, otherwise presidents only call them on request of parliament and/or government (making it almost a ceremonial duty rather than a discretionary power). Finally, I follow Shugart and Haggard (2001) by dividing presidential powers into ‘proactive’ and ‘reactive’ powers. While presidents can use the former at any point in time, the latter can only be used in reaction to certain circumstances or events.⁹ The final selection of powers considered in this study is summarised in Table 3.

Table 3: Presidential powers under consideration in this study

Type of power	Legislative Powers	Non-legislative Powers
Proactive	Legislative Initiative	n/a
Reactive	Package Veto Judicial Review	Cabinet Formation Cabinet Dismissal Censure Dissolution of Assembly

Source: Own compilation based on Shugart and Carey (1992, 150); Metcalf (2000, 669f); Shugart and Haggard (2001, 99).

⁷ Although it can be argued that the Bulgarian president possesses a partial veto (Tsebelis and Rizova 2007), this right is not codified in the constitution and only present in parliamentary standing orders.

⁸ Shugart and Carey (1992) only exclude other types of initiatives as their aim is to measure power of presidents rather than enumerate their prerogatives.

⁹ As I will outline in Chapter 1.2.2, the use of each group of powers may be associated with different political conditions.

Research design, data and methods

This study relies on the ‘nested analysis’ approach by Evan Lieberman (2005). Nested analysis is a mixed-methods approach that integrates the use of quantitative and qualitative methods into one coherent sequential research design. The combination of two different methodologies in one study generally increases the reliability and validity of findings. It allows for excluding rival explanations and can considerably enhance the use of particular methods and the interpretation of their results (Bryman 2006), thereby increasing ‘overall confidence in the central findings of a study’ (Liebermann 2005, 436). The benefits of each methodological strand help to offset the inherent drawbacks of the other which enables researchers to arrive at both generalizable conclusions and an in-depth understanding of the phenomenon in question (Creswell and Plano-Clark 2011; Berg-Schlosser 2012). Lieberman’s (2005) nested analysis approach is currently the best-developed and most versatile mixed-methods framework for comparative cross-country research, even though some pitfalls in its application have been reported (Rohlfing 2008).

By employing a mixed-methods approach this study will not only be able to arrive at more reliable and valid conclusion but it addresses an essential shortcoming of existing scholarship on presidential activism. Previous studies of presidential politics in parliamentary and semi-presidential systems have mostly been conducted as case studies of particular countries (see chapters in Elgie 1999a; Elgie and Moestrup 2008a; Hloušek 2013a) or individual presidents (Simpson 1996; Taras 1997; Zubek 1997; Millard 2000; Dieringer 2005; Kim 2013) and it is thus unclear to what extent the resulting specific explanations of presidential behaviour can be generalised. By the same token, existing studies that look at presidential activity in quantitative cross-country studies (Neto and Strøm 2006; Schleiter and Morgan-Jones 2009b; 2010) do not allow for assessing

whether their more general findings can also explain specific instances of presidential activism. Even studies that use a combination of quantitative and qualitative methods (Tavits 2008) do not clearly show the relationship between the results of each method. The supreme advantage of using the nested analysis approach is that it allows for establishing a strong and clear link between the purpose and the results of both quantitative and qualitative methods. Qualitative case studies are not used for mere illustration or employed on an ad-hoc basis to explain unexpected results, but they are an integral part of the research design and are used to validate and develop the statistical models.

The logic of nested analysis

Lieberman's (2005) nested analysis approach generally consists of three main steps that are implemented throughout a study. The first step consists of a preliminary large-N analysis (LNA) which tests initial and ideally deductively derived hypotheses.¹⁰ The results are then assessed in terms of model fit and whether they confirm the expectations of the theoretical model. The second step of the analysis consists of a small-N analysis (SNA) which differs in procedure and objective depending on the results of the LNA. If the model is robust (i.e. exhibits a satisfactory goodness of fit) and the results confirm the initial hypotheses, one continues with so-called 'model-testing' small-N analysis (Mt-SNA). Hereby, qualitative case studies are used to further test the robustness of the model and the analysis aims at establishing whether 'a particular causal model or theory actually "worked" in the manner specified by the model' (Lieberman 2005, 442). If the results of the large-N analysis do not confirm initial hypotheses and/or model fit is poor, one uses 'model-building' small-N analysis (Mb-SNA). The objective is thereby to establish inductively an alternative account of the (cross-country)

¹⁰ The LNA is in so far preliminary as Lieberman (2005) allows for a more exploratory character of the analysis than one would use in a single-method study and the following qualitative analysis can still point out errors in model design.

variation of the phenomenon in question which may later be tested in another large-N analysis (Lieberman 2005, 443).¹¹ Last, depending on the nature of the research question and/or data availability there might also be parts of the research question which are deliberately left for the SNA to answer and explore (Lieberman 2005, 440).

Lieberman (2005) argues that researchers should select cases for Mt-SNA that were comparatively well-predicted by the initial statistical model and focus the subsequent analysis only on the variables that proved to be significant in the LNA, disregarding those variables that did not show significant coefficient estimates. Yet, as Rohlfing (2008) argues this presents one of the greatest pitfalls of nested analysis as it severely restricts the researcher's ability to detect misspecification of the statistical model, particularly whether important variables have been excluded. In order to take full advantage of the nested analysis approach, researchers should attempt to assess all possible factors that could have influenced the dependent variable and not guide the analysis by potentially spurious statistical significance (Rohlfing 2008, 1948ff, 1505f). The case selection for Mb-SNA is less problematic – as this mode of analysis is used in case of unsatisfactory LNA results, the model prediction can be disregarded and cases for in-depth analysis should be chosen based on their potential to yield generalizable results through inductive analysis.

The third step of nested analysis is a final comparative assessment and synthesis of qualitative and quantitative results. Despite presenting the endpoint of most studies conducted within a nested analysis framework, Lieberman (2005) does unfortunately not elaborate on the details on this assessment yet rather focusses on its potential outcomes. If the Mt-SNA was able to plausibly demonstrate the existence causal links between the dependent and independent variables, the analysis is terminated. The same

¹¹ It would theoretically also be possible to start the whole analysis using Mb-SNA and then use and LNA to test the generalizability of findings (Lieberman 2005, 436).

applies if Mb-SNA has not suggested an alternative theoretical model that could be tested in a LNA. Otherwise, it is possible to continue with Mt-SNA and Mb-SNA until a new model is found or the lack of appropriate data makes the test of such a model impossible (Liebermann 2005, 448-450).

Original quantitative and qualitative data

This research uses original quantitative and qualitative data collected specifically for the purpose of the study at hand. Until now, statistical analyses of the actual use of presidential powers were mostly restricted to the use of presidential vetoes in the United States (e.g. Lee 1975; Rohde and Simon 1985; Hoff 1991; McCarty and Poole 1995; Shields and Huang 1995; 1997; Gilmour 2002). In the European context, studies were typically confined to proxies, such as the share of non-partisan ministers to gauge presidential involvement in government formation (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b; 2010), or descriptive statistics (almost always confined to one specific country; Protsyk 2004; Haspel, Remington and Smith 2006; Krupavičius 2008; Neto and Lobo 2009; see also case studies in Tavits 2008 and Hloušek 2013a). To address shortcomings of previous research, I will therefore use an entirely new quantitative data set on presidential activism which was created specifically for this study. It contains data of unprecedented detail on the actual use of president's legislative powers – vetoes, judicial review requests, and legislative initiatives – in nine Central and East European democracies from 1990 to 2010 as well as on the political conditions and institutional settings under which activism occurred. While until now the lack of appropriate cross-country data made it very difficult to test hypotheses on presidential activism, this data set allows for the first time to adequately assess the importance of the various factors assumed to influence the use of presidential powers. The

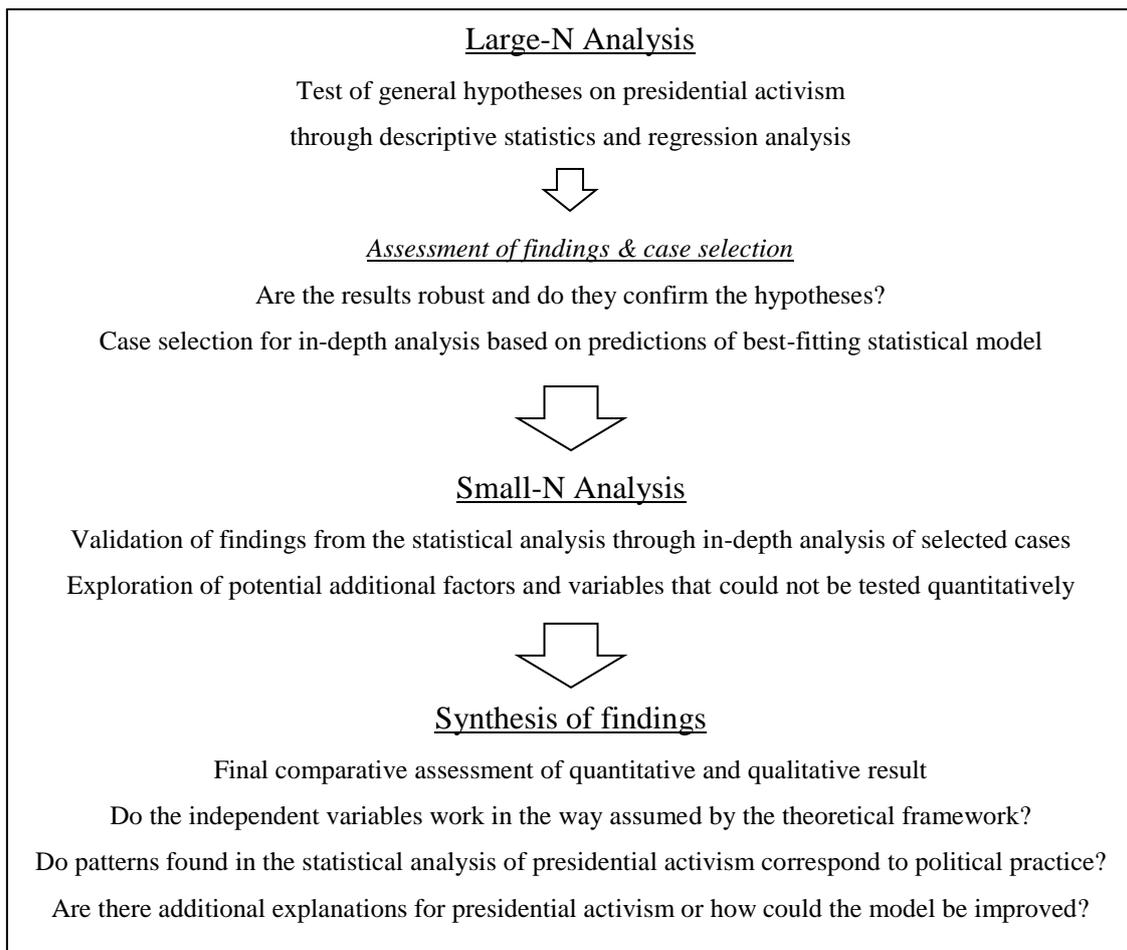
new data set will thus serve as the basis for the quantitative analysis of this study and the first step in the nested analysis approach. It is one of the first longitudinal cross-sectional data sets on the use of presidential powers and already presents a valuable contribution to existing scholarship in its own right.

The purpose of the qualitative case studies, the second step of nested analysis, is to validate the existence of general causal links between variables and/or explore alternative explanations for presidential activism. The cases for in-depth analysis are selected specifically for their ability to provide insights into the connections between variables that produced a particular result. It follows that it is also necessary to collect and analyse new qualitative data to effectively corroborate the results of the statistical model or detect alternative causal paths. Therefore, I conducted 65 semi-structured elite interviews with high-ranking presidential advisors, cabinet members, deputies and national experts who were specifically selected for their knowledge of and/or insight in the specific cases selected for in-depth analysis. Elite interviews with the actors involved present the most effective way to gather the required case-specific data (Richards 1996; Dexter [1970] 2006; Beamer 2002; Burnham et al. 2008) which goes beyond the information provided by the body of existing country-case studies of presidential politics. The elite interviews produced even more detailed insights into the use of presidential powers and the decision-making patterns of presidents and their staff. These would not have been available from any other source and allow for drawing more reliable and nuanced conclusions.

Interviews were conducted based on best practice and suggestions from the relevant theoretical literature (Kvale 1996; Patton 2002) and researchers' reflections on elite interviews (e.g. Peabody et al. 1990; Richards 1996; Herod 1999; Berry 2002; Goldstein 2002; Rivera, Kozyreva and Sarovskii 2002; Lilleker 2003; Dexter [1970] 2006; Morris

2009; Mikecz 2012). Due to the fact that the use of presidential powers and the behaviour of particular presidents in office is still a contentious issue in Central and Eastern European politics, respondents were guaranteed confidentiality. None of their answers are thus used in a way that they can be personally attributed or would make individual respondents identifiable as the source. This was not only essential to establishing trust and increasing rapport with respondents but also necessary to protect respondents from any type of harm to their reputation or future career arising from the publication of their answers (Dexter [1970] 2006, 60ff; 81). Nevertheless, each respondent consented to the inclusion of their name in the list of respondents (following the bibliography) under the condition of non-attribution outlined above.¹²

Figure 1: Overview of research design



¹² Further details about respondent sampling, interview length and location can be found in Appendix A3.

Overview of thesis structure and results

This thesis is divided into three parts which correspond to the three steps in the nested analysis approach outlined above.

Part I: Patterns of presidential activism

The first part deals with cross-country patterns of the use of formal presidential powers and consists of two chapters. The first chapter provides a focussed review of the existing literature on presidential activism and critically discusses the factors that have hitherto been argued to influence presidents' activities. Given the fact that the use of formal presidential powers is generally understudied in the context of European parliamentary and semi-presidential systems, it also draws on insights from the study of U.S.-American presidents where such research has already been successfully conducted. The discussion shows that despite obvious differences in the respective regime type, American and European scholars have found fairly similar factors to account for presidential activism, yet they often fail to spell out basic assumptions about presidential motivations. Building on the literature review, I develop a new and more coherent theoretical framework to explain presidential activism and formulate eight hypotheses that provide the basis for investigation in the remainder of this study. I argue that presidential activism is primarily determined by constitutional factors (such as the mode of presidential election, term limits and the electoral cycle) and the political environment (degree of consensus over policy between institutions and actors' relative strength).

The second chapter provides a test of these hypotheses using an original data set on the use of presidents' legislative powers in nine Central and East European democracies between 1990 and 2010. Given the lack of adequate quantitative data, the analysis of presidential activism in government formation, censure and dismissal is deliberately left

for the qualitative analysis. Using descriptive statistics, negative binomial regression models and event history analysis, I assess both the general occurrence of presidential activism as well as its frequency over time. The results for the use of presidential vetoes are very robust and confirm most of my hypotheses. Most prominently, it is shown that directly elected presidents use their veto power significantly more often than their indirectly elected counterparts and that cohabitation increases both the number of vetoes and their incidence rate. The analysis of presidents' use of judicial review requests and legislative initiatives brings mixed results. It is complicated by the fact that the former power is only extremely rarely used and the latter only granted to four presidents in my sample. Therefore, presidential vetoes are chosen as the further focus of the study. The remainder of the second chapter then deals with the selection of cases for in-depth analysis. I select 12 episodes – short time periods of specific presidents-cabinet pairings – from four countries (Estonia, Hungary, Poland and Slovakia) as cases for the subsequent qualitative model-testing analysis.

Part II: Presidential activism in practice

The second part (Chapters 3 and 4) provides an in-depth analysis of the selected cases. Its aim is to validate the results of the statistical model by tracing the assumed causal relationships between variables and exploring other factors that could have influenced presidential activism in legislation. The validation of the statistical model is focussed specifically on the selected episodes, whereas presidential activism in government formation is assessed on a country-basis and has a more exploratory character.

After an introduction to the stipulations and political practice regarding presidents' powers in Estonia, Hungary, Poland and Slovakia, the third chapter provides an in-depth analysis of presidential veto use during the selected episodes in two 'most different'

country pairs. The third chapter analyses presidential activism in Estonia (weak presidency; indirect presidential elections) and Poland (powerful presidency; direct presidential elections). The fourth chapter juxtaposes presidential activism in Hungary (powerful president; indirect election) and Slovakia (weak president; directly elected). It also discusses the effects of changing the mode of presidential election from indirect to direct elections in Slovakia in 1999. The analysis of presidential vetoes largely confirms the expectations of my theoretical framework. Through the combination of my interview results, presidents' justifications for their vetoes and parliamentary records as well as a great number of secondary sources I am able to demonstrate the causal links between presidential activism and the majority of my independent variables. While not all episodes can show the effect of each variable, the analysis consistently suggests a number of additional factors for the explanation of presidential activism. The analysis of presidential activism in government formation and dismissal likewise produces valuable and very interesting results. Apart from Poland, presidential activism in this area is very rare. Furthermore, the analysis gives strong reasons to doubt the reliability of the share of non-partisan ministers as an indicator for presidential activism – Polish presidents most frequently installed trusted co-partisans in government, whereas Hungarian presidents have evidentially never become active in government formation despite over 30% of cabinet members being non-partisans.

Part III: Synthesis of results – understanding presidential activism

The third part of the thesis integrates the results of the quantitative and qualitative analysis of presidential activism and subjects them to a final comparative assessment (fifth chapter) before proceeding to the conclusion.

The synthesis of results confirms the overall importance and explanatory power of the variables included in the statistical analysis and produces five key findings. First and foremost, it is shown that the mode of presidential elections matters fundamentally for presidential activism. The regression models as well as the qualitative case studies showed that popular elections are associated with an increase in presidential activism irrespective of other factors and there is strong evidence that the reasons for this are adequately described by the theoretical framework. Second, the relationship between president and cabinet and the parliamentary strength of the government emerge as the most reliable predictors of presidential activism that relate to the political environment. Although there is some evidence that their effects are weakened by intra-governmental divisions and exceptionally high veto override thresholds, this does not affect the general results. Third, parliamentary fragmentation and the size of presidents' support base in parliament only become relevant in combination with specific constitutional stipulations or when they interact with the government's seat share. Fourth, from the additional explanatory factors suggested by the qualitative analysis, the divisions within and between government parties appears to be the most promising. Although this factor, too, only becomes relevant in interaction with the governmental seat share it significantly increases the explanatory power of the theoretical framework and should be included in future studies. Finally, the analysis finds no clear patterns regarding the influence of president-centred factors. While there is some evidence suggesting that they have the potential to contribute to understanding and explaining presidential activism, more research based on strong theory is needed before these explanations can effectively be incorporated into a more general theoretical framework.

The conclusion summarises the findings of this study and relates them to the existing body of research on presidents and presidential activism in parliamentary and semi-

presidential systems. The contributions of the study and its implications are discussed and an agenda for future research on presidential activism that builds on the results of and data collected for this thesis is presented.

PART I:
PATTERNS OF PRESIDENTIAL ACTIVISM

1

EXPLAINING PRESIDENTIAL ACTIVISM

Studies of presidential activism in Europe and the United States generally employ very similar explanatory approaches. Despite the differences between regime types authors have generally found the same independent variables to be significant predictors of presidential activism. Until now both strands of the literature have not been used to inform each other, although the combination of insights promises to improve the understanding of presidents' use of their powers. The incorporation of scholarship on the American president helps to fill gaps in the literature, particularly with regard to European presidents' activism in legislative affairs which remains understudied, and helps to lay a stronger foundation for the formulation of a coherent and parsimonious theoretical framework.¹³

This chapter discusses the existing theoretical and empirical literature on the use of presidential powers and presents a new theoretical framework for the analysis of presidential activism in parliamentary and semi-presidential systems. The review of the literature is generally focussed on comparative cross-country studies, yet also includes findings from relevant case studies. It shows that explanations for presidential activism based on institutional variables and changes in the political environment are generally not only better developed on a theoretical level but also tend to find greater empirical support than those relying on presidents' individual characteristics. Nevertheless, assumptions about presidents' motivations are often implicit and hypotheses are frequent-

¹³ The application of American concepts on other political systems is not new. Studies of divided government (Elgie 2001) and political leadership (e.g. Helms 2005; Sebaldt and Gast 2010) have shown that the combination of insights from different political systems can greatly enhance the understanding of the respective phenomenon.

ly not part of a unified approach. My theoretical framework attempts to take these shortcomings into account and thus is built on a careful and explicit definition of presidential motivations. Based on these and the insights gained from the preceding review of the literature, I develop a new and coherent theoretical framework for the explanation of presidential activism and formulate eight hypotheses which will guide the analysis in the remainder of this study. Last, I discuss potential limitations of my approach and their implications for this study.

1.1 Studies of presidential activism in the U.S. and Europe

Scholarship on U.S.-American presidents has traditionally been conducted in the form of biographical and psychological analyses of previous office-holders (e.g. George and George 1956; George 1974; Hargrove 1966; 1993; Barber 2009). Authors thereby advanced a variety of situational factors or individual characteristics of office holders to explain presidential behaviour in office. The activities of European presidents were (and still are) usually discussed as part of country-specific case studies (Hartman/Kempf 1989; Elgie 1999a; Protsyk 2004; Haspel et al. 2006; Elgie and Moestrup 2008a; Neto and Lobo 2009; Hloušek 2013a). Alternatively, scholars gave general overviews of the politics of individual presidents, whereby most works focus on post-communist presidents (Simpson 1996; Taras 1997; Zubek 1997; Millard 2000; Dieringer 2005; Kim 2013). The systematic explanation of presidential activism and empirical testing of hypotheses is a relatively new development in this subfield of study. In the U.S., empirical studies mostly focussed on the interactions between president and Congress, and most prominently on the use of vetoes (Lee 1975; Rohde and Simon 1985; Hoff 1991; McCarty and Poole 1995; Shields and Huang 1995; 1997; Gilmour 2002; Kelley and Marshall 2009). Empirical studies of European presidents on the other hand usually

dealt with presidents' role in intra-executive conflict (Protsyk 2006; Sedelius 2006; Sedelius and Ekman 2010) and with their involvement in government formation (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b; 2010). Although there is some work on presidents' decree powers (Protsyk 2004; Haspel et al. 2006) and the aforementioned case study literature takes all types of powers into account, the focus usually lies on the more widespread reactive presidential powers.

The following review of the literature is structured by the distinction between 'presidency-centred' and 'president-centred' explanatory factors. Presidency-centred approaches explain presidential activism by referring to constitutional features and changes in the political environment which alter the costs and benefits associated with different paths of action. President-centred approaches focus on the president as an individual and assert that presidents' personalities and individual abilities rather than outside factors are decisive for presidential activism (Gilmour 2002, 198). This distinction has been established in the American literature (Hager and Sullivan 1994; Shields and Huang 1995; 1997; Gilmour 2002), yet it is flexible enough to accommodate a variety of explanatory variables irrespective of the political system.

1.1.1 Presidency-centred explanations

Presidency-centred explanations see presidential activism as a function of the institutional setting and resulting outside pressures (Gilmour 2002, 198); they rely on rational choice theory and – although rather implicitly – on the rational choice variant of institutionalist theory (Peters 1999; Shepsle 2006; Moe 1993; 2009). A common assumption is therefore that presidents and other political actors act rationally and are utility-maximizing. Presidents are constrained in their actions by the institutional setting and their activism is determined by factors that lie outside their control. Variations in the

political environment impact presidents' utility function and create different incentives for activism. Thus, it is assumed that 'most presidents would behave similarly in similar contexts' (Hager and Sullivan 1994, 1081). Equally implicit is the assumption that presidents will always be active and use their powers in their interest. Nevertheless, no agreement exists on the nature of the exact motivation underlying presidential behaviour. Scholars have often assumed that presidents are motivated by either office or policy (Tavits 2008, 35). However, research on both European party leaders (Strøm and Müller 1999) and the American president (Aldrich 1993; Sinclair 1993) has shown that assuming a single motivation is difficult and that actors should rely on a combination of goals (see also Neto and Strøm 2006). Changing assumptions about presidential motivations should invariably change hypotheses about the use of presidential powers. Unfortunately, research on this important issue is still very limited and hindered by the fact that not all authors make their assumptions about presidents' motivations explicit.

Constitutional factors

Constitutional factors present the first group of independent variables commonly used in presidency-centred explanations. These factors are inherent in the political system and are usually laid down in constitutions or organic law. Due to high hurdles to change them, they are relatively stable, i.e. factors can vary over time, yet they typically remain constant for periods of several years. In the following, I will discuss three main sub-groups – the mode of presidential election, presidential powers, and the electoral cycle.

Mode of election

The mode of election presents the most prominent constitutional factor. It is traditionally argued that directly elected presidents are more active than their indirectly elected

counterparts. This assumption is commonly justified by arguing that directly elected presidents enjoy greater legitimacy (Duverger 1978; 1980; Metcalf 2002; see also Tavits 2008). The legitimacy-argument was already advanced by Maurice Duverger (1978; 1980) who argued that indirectly elected presidents were ‘without legitimacy comparable to that of deputies’ (Duverger 1978, 29; translation by the author). Popularly elected presidents on the other hand have their own source of legitimacy and can therefore act more independently. This assumption is shared by most of the later work on presidents (Linz 1990; Shugart 1993; Bunce 1997; Elster 1997; Elgie 1999a; Metcalf 2002; Siaroff 2003; Protsyk 2005a). However, the mechanism through which increased legitimacy should increase presidential activism is not always clear. Several authors argue that directly elected presidents are more active because they think that their powers are falling short of representing the prominent position they and their office occupy in the polity (Baylis 1996; Elster 1997; Lijphart 1999; Protsyk 2005a). According to Tavits (2008), this argument is insufficient as the electoral mandate of directly elected presidents ‘is still tied to the specific constitutionally prescribed tasks of the president’ (Tavits 2008, 33). Asserting that presidents’ paths of action are constrained by constitutional stipulation would conform to the assumptions underlying presidency-centred approaches. However, while constitutions may define when presidents can make use of some powers (e.g. the dismissal of the Prime Minister after a vote of no-confidence in parliament) they still enjoy some discretion (e.g. appointing the candidate proposed by parties or proposing somebody else). Furthermore, there are typically no restrictions on how often office holders can use other powers, such as the presidential veto, judicial review requests or legislative initiatives. Thus, even though the stipulation of specific tasks will determine certain patterns of authority¹⁴ within a political system, it does not

¹⁴ This is a notion shared by the majority of definitions of regime types that take presidential powers into

necessarily affect levels of presidential activism. Moreover, constitutional regulations are rarely definite so that political actors can still have considerable room for manoeuvre in their actions (de Raadt 2009).

A related group of arguments relies on the logic of principal-agent models to model the greater independence of popularly elected presidents from parliament and government. Although they are not all directly concerned with presidential activism as an effect of such independence, Tavits (2008) argues that it presents a way to formalise the traditional argument. Depending on their mode of election, presidents are either agents of parliament or the voting population and depend on these different principals for re-election (Elster 1997, 227; Schleiter and Morgan-Jones 2009b, 667, 670; Samuels and Shugart 2010, 26-30). Based on this logic, indirectly elected presidents should be less active and confrontational with parliament and government in order to ensure their re-election. Directly elected presidents, on the other hand, lack these constraints and should be more active, e.g. by confronting the government on unpopular policies, in order to maintain the approval of the public and thereby ensure their re-election (Elster 1997, 227; Tavits 2008, 33f). Tavits (2008) contends that the weakness of the approach lies in the fact that both directly and indirectly elected presidents usually serve fixed terms and are difficult to impeach, meaning that they enjoy a similar degree of independence. She furthermore asserts that due to non-concurrent elections ‘the assembly that puts an indirectly elected president into power is not the same assembly that decides on his or her reappointment’ (Tavits 2008, 34f). As indirectly elected presidents can therefore not be ‘punished’ for being active, it is difficult to apply principal-agent models. However, this critique does not take into account that large majorities are needed to elect a president by parliament as well as the low degree of turnover in parliamen-

account (e.g. Shugart and Carey 1992; Shugart 1993; Krouwel 2003; Siaroff 2003).

tary membership. Presidents need the support of several parties (which do not necessarily have to be part of the governing majority) to be elected. When the parliamentary composition changes, it is likely that the alliance of parties that elected a president in the first place still disposes of enough votes for a re-election (or at least enough seats to block the election of another candidate). Furthermore, legislative turnover – at least in European democracies – tends to be relatively low (Mattland and Studlar 2004) so that even if the partisan composition of parliament changes between elections, a majority of MPs would still participate in both initial election and re-election. Thus, indirectly elected presidents still risk punishment by the assembly just as directly elected presidents can be denied re-election by the general electorate. The principal-agent model also offers an additional way of explaining differences between the activism of directly and indirectly elected presidents. Elster (1997) argues that parliament has a strong incentive to elect a ‘weak’ (less ambitious or influential) president as it will expect less interference from such a candidate. Continuing the argument one might assume that popularly elected presidents are chosen by voters on the basis that they promise a more active involvement in legislative and executive affairs. Differences in the activism of directly and indirectly elected presidents should thus exist based on different criteria for agent-selection.

Unfortunately, hardly any empirical tests of the various arguments concerning the mode of presidential election exist as many scholars have taken the effect of direct presidential elections for granted (see Tavits 2008, 7-8). Until now, tests have been limited to a selection of comparative case studies (Tavits 2008) and studies of presidents’ influence and involvement in the formation of European governments (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b). Neto and Strøm (2006) argue that Prime Ministers will always prefer co-partisans (or representatives of their coalition

partners) as cabinet members. Presidents on the other hand will not always prefer partisan cabinet members. When presidents are not able to appoint candidates from their own party to cabinet posts or when they want to appeal to a wider range of voters than those of the government coalition, non-partisan ministers present a way to solve intra-executive conflicts over government composition. Due to the fact that popularly elected presidents are independent from the assembly, they can rather afford to intervene in the government formation process than their indirectly elected counterparts. The legitimacy of a directly elected president is also higher than the legitimacy of the Prime Minister (who is elected by parliament), which is assumed to give the president more influence over government composition. Direct elections should thus lead to more presidential involvement and a higher share of non-partisan ministers (Neto and Strøm 2006, 634).

Neto and Strøm (2006) find direct presidential elections to be significantly and positively associated with presidential interference in government formation. Schleiter and Morgan-Jones' (2009b) analysis of party control of European cabinets corroborates Neto and Strøm's (2006) findings as their descriptive statistics show that presidents' influence over government composition appears to be greater under semi-presidentialism. Tavits (2008) expands the data set and runs a model with covariates similar to Neto and Strøm (2006). In her analysis, however, the variable for direct elections does not reach statistical significance (see also discussion in the next section). As Tavits (2008, 57) also notes herself, a great problem with these analyses is that not the actual involvement of presidents in the government formation process is used as a dependent variable. The share of non-partisan ministers measures the success of *assumed* (i.e. not directly observed) presidential interference in government formation, rather than actual activism; it is not possible to ascertain whether the presence of non-partisans in cabinet is due to presidential activism or other factors. Therefore and because of the divergence between

Tavits' (2008) findings from the results of Neto and Strøm (2006) and Schleiter and Morgan Jones (2009b) there is a need to test the effect of the mode of presidential election on presidential activism with different and more adequate data.

Presidential powers

A second argument about constitutional features and presidential activism concerns presidential powers. With regard to the aforementioned analysis of presidential involvement in government formation, Tavits (2008, 46) argues that presidents are more active the more powers they have been granted. Tavits (2008) tests this hypothesis by including different measures of presidential power by Metcalf (2000) and Siaroff (2003) into her statistical models and finds her argument confirmed as presidential power is positively and significantly associated with a larger share of non-partisan ministers. However, there are several problems with this argument and the tests performed. First, the argument made is close to being tautological as more powers naturally lead to a higher number of incidents of presidential activism. Second, Neto and Strøm (2006) only argue that more formal prerogatives will increase presidents' leverage in the bargaining process and thus also the share of non-partisan ministers, whereas Tavits (2008) equates this success with activism and the use of presidents' powers. Third, Tavits (2008, 53) herself concedes that directly elected presidents are usually more powerful than their indirectly elected counterparts.¹⁵ Although the coefficient for popular elections does not reach statistical significance when variables on presidential powers are dropped from her model, (Tavits 2008, 53) this does not sufficiently disprove the effect of direct elections on the *actual use* of presidential powers. Finally, both measures of presidential powers used by Tavits (2008) measure more than just the number of pow-

¹⁵ This has also been the result of a number of other studies (e.g. Metcalf 2002; Strohmeier 2010).

ers. Scores derived from Metcalf's (2000) scheme also mirror respective limitations on the use of particular powers, yet it is possible that these specific stipulations have independent effects on presidential activism or interact with other variables.¹⁶ Furthermore, Siaroff's (2003) scores are not only based on constitutional stipulations but also on prevalent political practice. As this inevitably also includes the level of presidential activism, they are not particularly suited as explanatory variables.

Electoral cycle

A third group of constitutional factors is related to the electoral cycle. Although early parliamentary elections can be called in all European democracies, the regular length of parliamentary terms is determined by the constitution and presidential terms are fixed. In European democracies non-concurrent elections are the norm; i.e. presidential and parliamentary elections are held at different times and coincide only infrequently (Protsyk 2005b). Protsyk (2005b) argues with regard to government formation in semi-presidential systems that the temporal sequence of presidential and parliamentary elections can explain the extent of presidential leverage over the government formation process and their activity in it. The more recently elected body will claim to have 'political superiority' based on a 'fresher legitimacy' and therefore dominate the process. Schleiter and Morgan-Jones (2009a) adopt a similar reasoning for explaining early government termination by assuming that fresh legitimation will increase presidents' bargaining power and result in a higher likelihood of termination. Their statistical analysis only shows a statistically significant effect for directly elected presidents which they explain by arguing that the governing majority usually elects an indirectly elected presidents

¹⁶ Tsebelis and Rizova (2008) for instance look more closely at the stipulations guiding the use of presidential vetoes in post-communist countries. However, as their aim is to show under which conditions presidents can become conditional agenda setters, they do not give any indication of when presidents are more likely to use their powers.

and elections thus 'reflect the parliamentary balance of powers rather than changing it' (Schleiter and Morgan-Jones 2009a, 508). Nevertheless, they only use a dummy variable to control for the presence of the president's party in government (which does not reach statistical significance), not if the election of the president was supported by the government majority. With regard to the use of decrees by Ukrainian and Russian presidents, Protsyk (2004) argues that presidents should be more active shortly before and after presidential elections, yet his results do not unequivocally support his hypotheses. Haspel et al. (2006) on the other hand find that Russian presidents use their decrees more frequently before presidential elections as presidents try to use them to pass legislation benefitting their electorate.

A number of studies of the American president have also used the electoral cycle to explain presidential activism. Authors have argued that presidents should veto more frequently in election years in order to highlight differences between parties (Rohde and Simon 1985, 404) and because presidents' nationally-oriented agenda will clash with the more constituency-oriented concerns of members of Congress engaged in the election campaign (Shields and Huang 1997, 437). This effect has generally been confirmed for mid-term elections, yet not for years of presidential elections (Rohde and Simon 1985; Woolley 1991; Shields and Huang 1995; 1997). McCarty (1997) shows that there is a possibility that presidents will not veto bills in the first months of their term ('honeymoon period'). Presidents have strong incentives to use their veto early in their in order to build a reputation that would allow them to extract concessions in the future. However, Congress will anticipate this motivation and refrain from passing bills that are objectionable to the president in the first months; only later will more controversial bills be put on the legislative agenda (McCarty 1997, 2-3). The findings from American and European studies do not entirely coincide, yet it becomes apparent that the electoral cy-

cle needs to be incorporated into explanations of presidential activism. Abovementioned studies of presidential activism in the United States only use dummy variables for elections years. However, unlike in the United States elections in parliamentary systems do not always take place in regular intervals and at the same time of year, and electoral cycles vary from country to country. It would therefore seem reasonable to use a measure of the closeness of the next election rather than dummy variables.

The political environment

The group of factors relating to the political environment encompasses a broader variety of variables than constitutional factors. This group mainly consists of variables relating to the constellation of parties in parliament, government and presidency and the respective strength and resources of political actors. Environmental factors change more frequently than constitutional factors – usually on a monthly and sometimes even weekly basis – and variations lie outside the immediate control of the president. They also represent the main focus of explanations in both the U.S.-American and the European context. Even Margit Tavits' (2008) political opportunity framework – the hitherto only attempt to create a general theoretical account of presidential activism in parliamentary and semi-presidential systems – is based on such environmental factors. Although she argues that the effect of constitutional factors (in particular the mode of election) is eclipsed by the political environment, her approach presents a useful basis to review environmental factors and discuss factors used in other studies that fall into this category. In the following, I will therefore first present Tavits' (2008) political opportunity framework and then discuss other frequently used independent variables.

The political opportunity framework and other environmental factors

Margit Tavits (2008) builds her opportunity framework on the logic of studies of intra-executive conflict and proposes a more general, rather than power-specific explanation of presidential activism. She argues that variations in environmental factors – the relative ‘strength of other political institutions and the constellation of political forces in government and parliament’ (Tavits 2008, 35) – determine the level of consensus between the president and other institutions and thereby create opportunities for presidents to make use of their powers. The lower the consensus between president and government or parliament, respectively, ‘the greater the incentive and opportunity for presidents to assert their influence’ (Tavits 2008, 36). Thereby, Tavits (2008, 35) assumes that presidents are motivated by policy. Thus, presidents have the greatest incentive to become active during cohabitation when presidential and government policy preferences are the least likely to coincide. On the other hand, presidents should have less or no incentive for activism when they face no partisan opposition in government and/or parliament. Incentives for presidential activism also arise when parliament and government are weakened. Fragmented or minority governments will have greater difficulties to organise a majority against the president, which makes activism more likely. The same logic applies to a highly fragmented parliament – the higher parliamentary fragmentation, the more difficult it is for parties to coordinate resistance against presidential activism and presidents will use this opportunity to become active.

Tavits (2008) finds most of the expectations of the political opportunity framework confirmed in her own analysis, i.e. the analysis of the share of non-partisan ministers and a selection of country case studies. While she argues that political opportunities will eclipse any effect of the mode of election (Tavits 2008, 35), the effects of her environmental variables have also been included in other empirical studies that do not share this

assumption. In the aforementioned studies of presidential involvement in government formation, Schleiter and Morgan-Jones (2009b) and Neto and Strøm (2006) argue that cohabitation, defined as a situation when the presidential party is not part of the government, should result in a higher share of non-partisan ministers (and thus presidential involvement) as neither Prime Minister nor president are able to appoint their most preferred candidates. However, when the presidential party is part of the government, this conflict ceases to exist or at least minimises. In their analysis of presidential vetoes and decrees in Russia, Haspel et al. (2006) similarly argue that presidents should be less active when the policy difference between president and the median legislator is small. Some authors have also assumed that fragmentation of parliament should influence the share of non-partisan ministers but disagree on whether it should increase or decrease it. Similar to Tavits (2008), Schleiter and Morgan-Jones (2009b; 2010) argue that fragmentation should increase presidential involvement in government formation because it is more difficult for parties to act collectively and form a government. Neto and Strøm (2006) on the other hand assert that high parliamentary fragmentation decreases activism in government formation as this makes it less likely that a new coalition will form to replace the incumbent Prime Minister. The results of the empirical analyses are mixed – Tavits (2008) finds that fragmentation is negatively associated with the share of non-partisan ministers, yet it increases the share according to Schleiter and Morgan-Jones (2009b; 2010), and Neto and Strøm (2006) find no statistically significant effect of fragmentation. In contrast, all authors find that minority government significantly increases presidential involvement as it weakens the government's ability to withstand activism.

Unfortunately, these studies do not generally discuss problems associated with the definition of cohabitation and non-partisan presidents. The authors use a dichotomous

differentiation so that every a situation in which the president's party is not part of the government is automatically seen as cohabitation – even when the president is not affiliated with a political party. Typically, non-partisan presidents will neither fully oppose nor support the government but take a neutral position. The relationship between the government and a non-partisan president can therefore not be determined by default but has to be established for each case individually. A threefold distinction of president government relations that adds a 'neutral' category would appear more precise and sensible.

Schleiter and Morgan-Jones (2010) and Neto and Strøm (2006) also include a variable for the existence of recession in their models. They argue that both presidents and Prime Ministers will then place a higher value on government efficiency and engage in less confrontational behaviour. Moreover, Neto and Strøm (2006) also include variables for electoral volatility and the number of parties in government in their model. They argue that electoral volatility is positively associated with activism as Prime Ministers grow uncertain about their re-election. Therefore, they are expected to try to avoid intra-executive conflict and rather give in to the president's demands. Likewise, activism should increase with the number of parties in the government as this, too, increases the Prime Minister's uncertainty about re-election. Tavits (2008) on the other hand argues that analogously to the effect of fragmentation on parliament's ability to withstand presidential activism, fragmentation of the cabinet should increase presidential activism because it weakens the government. These three factors are very much focussed on explaining the success of presidential activism in government and it is not clear to what extent they apply to presidential activism in the area of legislation. Particularly the working mechanisms of electoral volatility and economic recession are not easily observable and more tests should be conducted to verify the theoretical claims associated

with them. Finally, Tavits (2008) also finds that parliamentary fragmentation and cabinet fragmentation are correlated so that it needs to be considered to what extent it may be useful to include both measures in the same model.

Environmental factors in the American literature

The American literature has identified very similar environmental factors to explain presidential activism. Furthermore, there is a stronger focus on the actual use of powers (mostly the presidential veto) so that results might be more applicable given the definition of presidential activism adopted in this study. Scholars have found that partisan opposition in Senate or House is positively and significantly associated with the use of vetoes and argue that this is because it increases the likelihood of legislation being passed which is opposed by the president (Gilmour 2002; Lee 1975; Rhode and Simon 1985; Shields and Huang 1995; 1997). Applying the same logic it is argued that a larger seat share of the presidential party increases the likelihood that bills passed by Congress coincide with presidential policy preferences, thus decreasing the number of vetoes (Rhode and Simon 1985; Shields and Huang 1995; 1997). This is largely similar to the arguments made by Tavits (2008), Neto and Strøm (2006) and Schleiter and Morgan-Jones (2009b) about the effects of cohabitation. Similar to Schleiter and Morgan-Jones (2010) and Neto and Strøm (2006), several authors have included variables on the state of the economy. However, the empirical support for this hypothesis as well as for an assumed influence of the existence of military conflict – which is argued to divert presidents' attention from domestic politics – has been mixed and often fails to reach statistical significance (Gilmour 2002; Lee 1975; Rhode and Simon 1985; Shields and Huang 1995; 1997). Finally, several studies use presidential popularity as an additional inde-

pendent variable related to the political environment.¹⁷ Increased popularity is argued to give presidents more leverage when negotiating with Congress and helps them to shape policy in accordance with their interests. The assumption that popular presidents should therefore be less active is confirmed by some studies (Rhode and Simon 1985; Wooley 1991; Shields and Huang 1995; 1997), yet others argue that a different direction of effect exists (Groseclose and McCarty 2001). Groseclose and McCarty (2001) show that instead of low public approval causing more vetoes, vetoes of major bills can decrease presidential popularity. Popularity could theoretically also be used as an independent variable in the European context; nevertheless, due to the different institutional structure the popularity of the government as the second (and typically dominant) executive actor would need to be taken into account.¹⁸

1.1.2 President-centred explanations

President-centred explanations are often presented as the rival explanation to presidency-centred accounts (Hager and Sullivan 1994; Shields and Huang 1997; Gilmour 2002). Assuming that presidents have relative broad discretion in their actions, these explanatory approaches focus on the person/personality of presidents, their background and individual abilities (Hager and Sullivan 1994). Contrary to presidency-centred explanations, president-centred accounts do not usually claim supreme explanatory power. They acknowledge that structural and institutional factors can limit presidential decision-making and try to understand in how far presidents can still be independent ‘leaders’ instead of ‘clerks’ (Neustadt 1980), i.e. act discretionarily instead of merely responding to outside pressures and demands. Due to their less exclusive and less theo-

¹⁷ Presidents cannot ‘choose to be popular’ (Gilmour 2002, 207) so that popularity has to be seen as a factor beyond their control rather than a president-centred variable.

¹⁸ A few case studies of Central and East European presidents also refer to the popularity of presidents (Jasiewicz 1997; Cholova 2013; Toomla 2013) yet only Jasiewicz (1997) links it with activism. He implies that the activism of Polish president Wałęsa led to a decrease in his public approval.

rised approach, it is difficult to outline president-centred explanations as such. Scholars rely on varying sets of president-related variables in an attempt to account for variation that cannot be explained by environmental factors. In the following, I will discuss these variables in three groups – presidential background, personality/character, and presidents’ perceptions of their office. Variables from the former two categories are more frequently used to explain presidential activism in the U.S., whereas the latter is almost exclusively used to account for European presidents’ behaviour in office. Nevertheless, variables are still partially interconnected across groups, creating a certain overlap.

Presidential background

A number of authors advance presidents’ professional and political background as explanations for presidential activism. Lee (1975) argues with regard to presidential vetoes in the U.S. that presidents should be less active if they previously served as members of Congress. On the one hand, former Congressmen and Senators are more familiar with the workings of the legislature and can influence legislation informally. On the other hand, Congress might be more likely to anticipate the demands of one of its former members, thus decreasing the amount of objectionable legislations. Furthermore, Lee (1975) asserts that former governors should be more active as they are accustomed to using their veto powers more frequently. Similarly, Hager and Sullivan (1994) argue that political experience should decrease presidents’ public activities. This is because political insiders are rather able to reach informal agreements, whereas ‘outsiders’ need to resort to activism to get what they want (Hager and Sullivan 1994, 1082f). Finally, Lee (1975) hypothesises that Democrats as presidents should veto more frequently than Republicans as the latter typically hold ‘the belief that law-making should be left to the Congress’ (Lee 1975, 532). Lee (1975) finds his hypotheses on Democrats as presidents

and Congressional experience confirmed, yet his results also show that former governors did not veto more frequently than others. Hager and Sullivan's (1994) research does not show the expected effects – the 'outsiders' in their sample (presidents Carter and Reagan) were not significantly more active than other office holders.

In the European context, Baylis (1996) points out that different personal backgrounds possibly contributed to intra-executive conflicts in the early years of democratisation in CEE. Presidents such as Havel in the Czech Republic and Wałęsa in Poland had been prominent members of the democratic opposition and therefore felt more legitimised than Prime Ministers with less political experience and/or a lower public profile. Baylis (1996) also mentions Wałęsa's working-class background in connection with his activism, but does not elaborate on the connection. Pradetto and Weckmüller (2004) also use presidents' social background, education and political experience to highlight differences between post/communist office holders. However, as their work is only descriptive and the categories they devise are also based on presidents' behaviour in office, it would be difficult to derive hypotheses on presidential activism from it.

Presidential personality and character

President-centred accounts of presidential activism frequently argue that all presidents generally differ in their likelihood to use their powers because of their (unique) personality. The latter is assumed to be influenced by factors such as their childhood and upbringing, professional background or the aforementioned political experience (Hargrove 1993; Hager and Sullivan 1994; Shields and Huang 1995; 1997; Gilmour 2002; Barber 2009). The most prominent approach in this regard is Barber's (2009) work on the 'character' of American presidents. Barber (2009) argues that presidents' performance in office can be predicted on the basis of their socialisation and experience in child- and

early adulthood. He proposes a fourfold distinction that distinguishes presidential characters on an active-passive dimension (high vs. low energy commitment to their work) and a positive-negative dimension (high vs. low personal/emotional value attached to political work (Barber 2009, 8-10). Unfortunately, Barber does not relate his work to other authors and the general scholarly debate (Edwards 2009b, vi-vii) and fails to fully explain the mechanisms of effect. Furthermore, as his aim is to predict which candidates would be 'good' presidents in the future, rather than presidential activism, it is difficult to derive testable hypotheses.

Hager and Sullivan (1994) include dummy variables for the different combinations of character types in their statistical model of presidents' public activities (whereby they assume that the 'active' and 'positive' types will be more active) as well as for individual presidents. However, they find that presidential activity can better be explained by presidency-centred variables. Other empirical tests of the effects personality/character of American presidents are typically limited to dummy variables for individual presidents. Coefficients usually only reach statistical significance when they are included in interaction terms with presidency-centred variables (e.g. approval ratings or the unemployment rate) and even then no president is consistently found to have been significantly more active (Hager and Sullivan 1994; Shields and Huang 1997; Gilmour 2002). As Tavits (2008) also notes, apart from the lacking empirical evidence a problem of using presidents' personality as an explanation for activism is that these are at risk of being 'tautological unless the concept of "personality" is restricted to certain traits' (Tavits 2008, 135). In the European context presidential 'character' or 'personality' have only rarely been used to explain presidential activism. In their study of Hungarian presidents Dobos, Gyulai and Horváth (2013) argue that presidents' personalities can explain dif-

ferences in activism, yet fail to elaborate on the mechanisms of effect or define the different character traits they mention.

Presidential perceptions of their role

Presidents' perceptions of their office, i.e. how they perceive their role and its limitations, are one of the most prominent president-centred factors used by studies of European presidents. Perceptions are assumed (albeit often implicitly) to be influenced by presidents' background and character so that this concept partly overlaps with the two previous categories.

Baylis (1996) asserts that '[r]ather than ideology, what seems to be critical [for their behaviour in office] is how presidents perceive their role' (Baylis 1996, 308). He argues that the activism of the first generation of presidents in CEE was influenced almost as much by the perceptions they held of their office (based on background and personality) as by constitutional stipulations. Similarly, other authors also use presidents' perceptions (or conceptions – terms are used interchangeably) of their office to account for their activism (e.g. Linz 1997; Wolchik 1997; Gallagher 1999; Kristinsson 1999; Frison-Roche 2007; McMenamain 2008). McMenamain (2008) for instance writes that Polish president 'Lech Wałęsa had a politically hyperactive conception of the presidency' while his successor Aleksander Kwaśniewski's conception of the office was 'consensual and strategic' (McMenamin 2008, 125). Wolchik (1997) on the other hand uses Václav Havel's 'dual conception of the function of the president' (Wolchik 1997, 174) to explain his behaviour in office.

The aforementioned studies mostly use perceptions as a complementary explanation to account for presidential activism that is left unexplained by presidency-centred factors (yet also sometimes takes previous activism into account). Unfortunately, authors

do not specify the origin and exact nature of presidential perceptions or do not show to what extent they interact with presidency-centred factors (or potentially eclipse them). Furthermore, perceptions are almost exclusively advanced as part of country- or presidents-specific case studies. Apart from Baylis (1996) they are not used in comparative work which makes the development of general hypotheses more difficult. Finally, as presidents' perceptions are likely also based on constitutional stipulations (such as the mode of election or the powers vested in the presidency), their effect might effectively be absorbed by these presidency-centred factors.

1.1.3 Summary

The above discussion has shown that both the European and American literature have identified fairly similar or at least reasonably compatible explanatory factors to explain presidential activism. Presidency-centred factors are generally better developed on a theoretical level and enjoy greater empirical support, whereas president-centred explanations still suffer from a lack of a strong theoretical foundation which makes the formulation of testable hypotheses difficult. The most frequently used indicator of presidential activism – the share of non-partisan ministers – does not measure presidential activism but rather the success of assumed presidential intervention and the different studies that use it do not always produce the same results. Apart from a few exceptions the actual use of presidential powers by European presidents has not been studied beyond country- or president-specific case studies. Thus, several hypotheses – most prominently the assumption that popularly elected presidents are more active than those elected by parliament – have not been satisfactorily tested yet. Work on the presidential activity in the United States has demonstrated that the use of presidential vetoes is a

more direct indicator for activism; vetoes are also consistently well-explained by presidency-centred variables across different studies.

In the light of these findings it appears that presidency-centred factors offer a more promising basis for the development of a theoretical framework. Thereby, Tavits' (2008) political opportunity framework presents the most useful starting point due to its more general, rather than powers-specific approach in explaining presidential activism. Nevertheless, as her argumentation with regard to the effect of popular presidential elections is not as convincing as rivalling accounts, considerations about the effect of constitutional factors need to be revised.

1.2 A unified theoretical framework of presidential activism

Explanations of presidential activism are still underdeveloped and there is a need for a new, coherent theoretical framework that explains the use of presidential powers. Until now, explanations in the U.S.-American context resemble a patchwork rather than a coherent theoretical framework as authors use a number of explanatory factors which are well-substantiated individually but not derived from or embedded in basic assumptions about presidents' motivations. With regard to European parliamentary and semi-presidential system, well-formulated explanations focus only on the success of the (assumed) use of presidential powers during government formation (Neto and Strøm 2006; Schleiter and Morgan-Jones 2009b; 2010) and thus not on presidential activism per se. Finally, the only more general explanatory framework (Tavits 2008) excludes constitutional factors entirely, although they have been shown to be important predictors of presidential activism in other studies. Nevertheless, the review of the literature has still demonstrated that presidential activism can at present be best explained by constitutional stipulations and the political environment. Factors related to the president as an indi-

vidual – although popular – do not lend themselves particularly well to theorising and enjoy as yet only limited empirical support.

The explanatory framework I propose therefore builds on these presidency-centred factors and unites them into one coherent approach. Hereby, my assumptions build on rational institutionalist theory (Peters 1999; Shepsle 2006) and I use Tavits' (2008) political opportunity framework as the central building block. The resulting theory does not attempt to explain every presidential action but is limited to the explanation of *the discretionary use of formal presidential powers by the president*.¹⁹ Furthermore, it is restricted to democratic parliamentary and semi-presidential systems. Finally, as mentioned above the literature on proactive presidential powers (i.e. those that presidents can use without any restrictions) is still very limited so that my focus in this section will be to explain the use of the more common reactive powers of presidents. Nevertheless, I will also consider potential differences for proactive powers where appropriate. Although necessary to retain a certain degree of parsimony and to allow for the development of hypotheses that can be tested with available data, these choices naturally impose some restrictions on the applicability and accuracy of this explanatory framework. In the following, I will first present the basic theoretical assumptions and mechanisms underlying my theoretical framework. In a second step, I will then outline presidential motivations to become active in more detail and formulate a set of eight hypotheses which will be the focus of analysis in this study. Last, I discuss potential limitations of my approach and its implications for this study.

¹⁹ For the reasons outlined in the introduction, my focus will thereby lie on the actual use of powers rather than on threats or public declarations to use them. See also section 1.3 'Discussion: Scope and limitations' in this chapter.

1.2.1 Rationality, individual goals and relative importance of explanatory factors

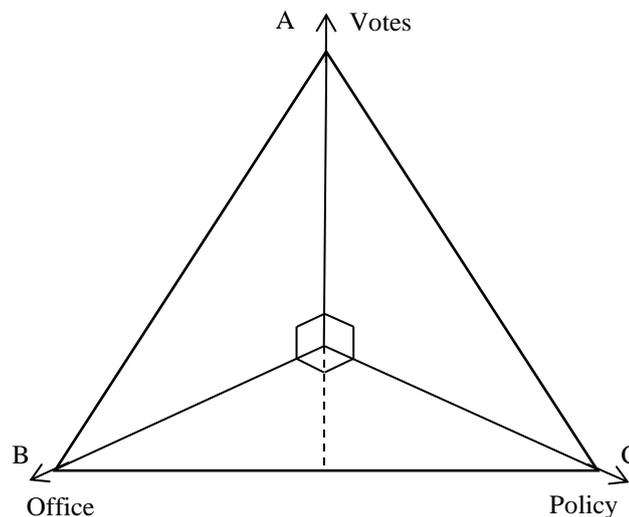
In accordance with most other scholars of American and European presidential studies, I assume that presidents are rational and utility-maximizing actors. This means that faced with the choice of several courses of action, they will always chose the option that fulfils their individual goals most effectively (Laver 1997, 20). Therefore, I assume that individuals' decision to run for the presidential office and incumbents' behaviour in office is the outcome of cost-benefit calculations by the respective political actors. Actors thus seek to increase their personal utility outside of as well as within the institution of the presidential office (Peters 1999, 49). Yet, in order to determine the costs and benefits presidents attribute to certain paths of action, it is necessary to analyse the nature and strength of their underlying motivations.

Presidential goals and motivation

In determining their course of action, presidents do not attempt to realise one goal alone but are driven by combination of different, partially competing goals which they pursue with varying intensity. Hereby, they can value their goals either intrinsically, i.e. for their own sake, or instrumentally as a means to achieve an intrinsically valued goal (Laver 1997, 25). As Müller and Strøm (1999) show with regard to party leaders, politicians' goals can be subsumed under three categories – votes, office and policy. Due to its proven usefulness and parsimony and its similarity to approaches used explicitly or implicitly in American scholarship (e.g. Aldrich 1993; Sinclair 1993), I adopt their categorisation for the purpose of my study with some modifications. Accordingly, I also assume that presidents cannot pursue all goals with maximum intensity but have to make trade-offs between the different goals. Müller and Strøm (1999) conceptualise this relation between the goals as a three-dimensional space in which each goal is represent-

ed as one dimension (Figure 2). Consequently, the importance presidents attach to these goals and thus the intensity with which they pursue them can vary. Nevertheless, in congruence with Müller and Strøm (1999) I assume that presidents value each goal at least to a minimal extent. As I will show below, in the political contexts to which this theoretical framework is applicable this variation is above all tied to the possibility of re-election of the president. The consequences of this variation for how and when presidents use their formal powers on the other hand are dependent on whether the president is elected directly or indirectly.

Figure 2: Range of feasible party behaviours



Source: Müller and Strøm (1999, 13).

Müller and Strøm’s framework was developed to analyse the behaviour of parties and explain the motivations of party leaders who strive for governmental or parliamentary office. These positions allow for continuous re-election whereas – at least in the European context – incumbency of the presidency tends to be limited to two consecutive terms or two terms overall (Köker 2013). The framework therefore needs to be adapted as the goal to win as many votes as possible in the next election can only be applied to the first presidential term. A more general goal, which applies to both presidential terms, is presidents’ popularity with their respective electorates, i.e. the public for directly elected

presidents and deputies for indirectly elected presidents. In the first term, popularity-seeking behaviour is primarily aimed at gaining a sufficient number of votes in the next election. During the second term or when incumbents do not seek re-election, popularity improves presidents' bargaining position vis-à-vis the government and/or parliament. While the American literature shares the assumption that popularity increases presidents' bargaining weight (Rhode and Simon 1985; Shields and Huang 1995; 1997), it should be noted that this mechanism works differently for directly and indirectly elected presidents. Popularly elected presidents court the same electorate that decides about the composition of parliament and – in effect – government. The president's leverage thus results from the government's and parliament's fear of punishment by the electorate if they do not give into the demands of a popular president. Conversely, if a president is unpopular their bargaining weight decreases as government and parliament have less or no incentive to cooperate with them. Indirectly elected presidents on the other hand will attempt to act in conformity with the expectations of deputies (particularly during the first term). If parliament or government then support certain presidential actions it is as a reward for previous and incentive for future behaviour in accordance with the assembly's or the government's wishes. Based on the above assumptions, presidential terms and term limits then influence the relative importance that presidents place on popularity, office, and policy as follows.

Popularity with respective electorate. Presidents always and exclusively value this goal instrumentally as it either enables them to stay in office (given they seek re-election) or gives them leverage to implement their preferred policies.²⁰ In their first term in office, presidents will mainly stress the vote-gaining aspect of popularity. During a second term, however, the vote-seeking motive ceases to apply and presidents will

²⁰ Similarly, Müller and Strøm (1999, 11) also assume that 'votes' can only be an instrumentally valued goal.

attempt to fulfil the expectations of their respective electorates in order to implement or at least influence certain policies. Directly elected presidents will fulfil the expectations of the public to increase their leverage, whereas indirectly elected presidents should behave in accordance with deputies' expectations to improve relations with the assembly and thereby gain greater room for manoeuvre. Thereby, the intensity with presidents pursue popularity with their electorates slightly decreases from the first to the second term. This is because in the first term, popularity is valuable to presidents with regards to both re-election and policy-implementation, yet in the second term only with regards to the latter.

Office. Contrary to popularity with the electorate, presidents' office-motivation can be both intrinsic – to enjoy the spoils of office²¹ for the longest time possible – or instrumental as a means to further influence policy. In the first term, the instrumental and the intrinsic motivations are fairly balanced. In the second term, office overall loses its importance for presidents as re-election is no longer possible. Thereby, the intrinsic motivation remains relatively strong due to the fact that the spoils of office are still the same. The instrumental motivation, however, decreases in the second term as continued influence over policy can only satisfy an intrinsic motivation and not yield any more votes.²²

Policy. While I have assumed that presidents can be instrumentally as well as intrinsically office-seeking, I argue that presidents will always value policy intrinsically to a considerable extent (which does not exclude that policy is in addition also valued in-

²¹ These include material gains such as remuneration and other privileges (residence, office, official car etc.) as well as non-material benefits, e.g. prestige and guaranteed public attention.

²² Owing to the high visibility of the presidential office, the opportunities for post-presidency spoils (e.g. book contracts, speaking engagements etc.) should be largely the same for presidents serving one term or two terms. Pensions and other privileges of retired presidents also tend to be unaffected by the number of terms served in office. However, one can assume that presidents will still prefer 'in-office' spoils of a second term over 'post-office' spoils due to their policy motivation and the benefits mentioned in the previous footnote.

strumentally). This, together with the spoils of office can explain why political actors would join an institution which does not allow them unlimited re-election in the first place. Consequently, the overall value presidents place on policy should remain stable between terms as it is only the degree to which presidents value (and use) policy instrumentally that decreases.

The relative importance of explanatory factors

Before turning to the more specific hypotheses on presidential activism, I will briefly outline the relative importance of my explanatory factors and how their underlying mechanisms gear into each other. I assume that presidential activism – defined as the discretionary use of formal presidential powers by the president – is influenced by constitutional provisions and the political environment. The constitutional/institutional order of a state – particularly the relationship between president, government, and parliament as well as the powers these institutions hold vis-à-vis each other – is only rarely amended in a fundamental way. It tends to be relatively stable for the majority of European countries and several years pass between amendments (Elkins, Ginsburg and Melton 2009). As such, constitutional provisions can be assumed to account for a general ‘baseline’ of presidential activism, i.e. an overall relative frequency with which presidential powers are used under different constellations of provisions. In contrast to constitutional features, factors relating to the political environment vary more frequently, most of them even on a weekly or monthly basis. As such, changes in the political environment create more specific opportunities for presidents to become active (see also Tavits 2008). These changes either enable presidents to either make use of their own increased influence and/or bargaining power or exploit the weakened position of other political actors, i.e. parliament and government. Opportunities also arise from the vary-

ing level of consensus between the institutions and depending on said level presidents will either use their powers or stay inactive. Thus, variations in the political environment determine the more particular conditions (in addition to the 'baseline' factors) under which presidents use their powers.

My theoretical framework defines presidents as rational, utility-maximising actors who are motivated by popularity with their electorate, office and policy. Given the same set of constitutional and environmental factors they should perform similar cost-benefit calculations and 'behave similarly in similar contexts' (Hager and Sullivan 1994, 1081). This represents a presidency-centred perspective and thus assumes that there should be little variation due to factors related to individual office-holders. Nevertheless, given the popularity of president-centred factors in part of the literature I will still follow Hargrove's (1993) suggestion here and assess at a later point in my analysis 'whether personality adds to the understanding of [presidents'] behaviour' (Hargrove 1993, 86). While this assessment will not be able to fully gauge the explanatory power of president-centred factors, it will provide sufficient insights to point out whether and in what ways the theoretical framework outlined in this chapter or future studies could benefit from including them.

1.2.2 Hypotheses on presidential activism

In the following, I will present my central assumptions and hypotheses about the use of formal presidential powers by presidents. For the sake of parsimony this will not include all possible factors mentioned in the literature review but only those which appear most relevant and where the mechanism of effect emerges or can be derived from the assumptions made above. Nevertheless, a number of selected variables will still be given consideration in the qualitative part of this study. I will also discuss potential further

limitations of my approach and their implications for this study in a designated discussion section after the presentation of my hypotheses. As in my literature review, the following argument and presentation is divided into constitutional and environmental factors.

Constitutional factors

Constitutional factors present the baseline determinants of presidential activism. I will include two groups of constitutional factors in my theoretical framework – the mode of presidential elections and terms and the electoral cycle.

The mode of presidential election and presidential terms

The mode of election of the president is the most important ‘baseline’-factors of presidential activism. As shown above, popularly elected presidents are often assumed to be more active due to their increased independence and/or legitimacy. Tavits (2008) argues that its effect is eclipsed by variations in the political environment; however, neither the existence nor the lack of such an influence of the mode of election has been convincingly demonstrated yet. Furthermore, explanations that argue that direct elections matter for presidential activism (Elster 1997; Neto and Strøm 2006; Schleiter and Morgan-Jones 2009b) make an overall more convincing point, especially when complemented by the above considerations on presidential motivations. As posited by principal-agent models, I assume that popularly elected presidents enjoy greater independence from parliament and government and do not have to fear any ‘punishment’ when confronting them (Elster 1997; Neto and Strøm 2006; Schleiter and Morgan-Jones 2009b; Samuels and Shugart 2010, 26-30; see also Duverger 1978). Moreover, they do not only have the possibility to be more active than their indirectly elected counterparts but also a certain

duty. It appears plausible that people elect them with the expectation that they play an active part in politics and directly presidents thus need to be active to show their commitment to the promises made during the electoral campaign.²³ In order to remain popular with their electorate, directly presidents will thus become active and use their formal powers. As outlined above, the pursuit of popularity with the public is essential to directly elected presidents both in their first term (to be re-elected) and in the second term (to increase their bargaining weight when confronting parliament and government). In contrast, indirectly elected presidents do not usually have an explicit policy programme prepared which they need to implement in order to be re-elected (Tavits 2008, 139f). Also, indirectly elected presidents are faced with different expectations than their popularly elected counterparts when dealing with their electorate. As they are elected by parliament, it is expected that they refrain from interfering in the assembly's work and candidates are chosen under the premise that they remain inactive (Elster 1997). Similarly to directly elected presidents, however, indirectly elected presidents will also try to fulfil voter expectations during their second term in office as the thereby gained popularity improves their position vis-à-vis parliament and government. By introducing popularity with the electorate as a motivation for presidential behaviour the logic of principal-agent models can thus be fully applied to presidential activism. From this follows the first hypothesis:

H1: Directly elected presidents are more active than indirectly elected presidents.

Another important baseline factor for presidential activism are presidential terms in office. I argue here that presidential terms have a similar effect on directly and indirectly elected presidents and assume in particular that they will be more active in their first

²³ Unfortunately, there is no comparative research on such voter expectations in semi-presidential systems yet. However, Jalali (2012) shows that the incumbency advantage of directly elected presidents is often partially attributed to the fact that they can use their powers to win voters.

term in office than in a second term. However, the mechanisms and strategies underlying this behaviour are not the same but partially differ with regard to the mode of presidential elections. As argued above, popularly elected presidents need to be active and use their powers in order to appeal to their electorate. It is sensible to assume that in order to ensure re-election incumbents will not only try to retain popularity among those who elected them in the first place but they will also attempt to appeal to a wider audience (see also Schleiter and Morgan-Jones 2009b, 667). Yet in their second term, popularity among the electorate loses its importance and is now only used to increase presidents' bargaining weight. Furthermore, in their pursuit of policy presidents now do not need use their formal powers as often as in their second term. This is because presidents value policy in their second term almost exclusively intrinsically. Rather than using their powers to appeal to a wider range of voters, they will limit their activism to instances where they personally care about policy.

Indirectly elected presidents have to appeal to their electorate as well; yet as I have shown above, they face other expectations from their voters than their directly elected counterparts. Nevertheless, indirectly elected presidents also show a higher degree of activism in their first term than in their second term in office. As presidential terms are usually longer or at least non-concurrent with the parliamentary election cycle the composition of the assembly and the majority situation is likely to change during a president's term in office (Tavits 2008). To ensure re-election, indirectly elected presidents thus need to appeal to all possible electors in the assembly – not only to those who elected them in the first place. By using their formal powers, presidents can direct attention to their own policy positions and their closeness to specific parties. Furthermore, incumbents can use activism to gain popularity in the general public. At the end of the first term this becomes an important resource as government and parliament fear pun-

ishment by their respective electorate in case they do not re-elect a popular president. In a second term in office, indirectly elected presidents will be significantly less active as they no longer need to worry about their re-election. Similarly, presidents' predominant intrinsic policy motivation is also satisfied by using their powers only then when they personally care about certain policies.

Hence:

H2: Presidents are less active in their second term than in their first term in office.

The electoral cycle

A further important constitutional factor in determining presidential activism is the timing of parliamentary and presidential elections. Authors generally agree on the effect of parliamentary elections, yet arguments about the effect of presidential elections are less clear. In both cases only dummy variables are used to test these effects, yet as already mentioned a continuous variable would promise better results. In the American and European context it is argued that presidents should be more active as parliamentary elections approach. This is because presidents want to highlight policy differences between parties (Rohde and Simon 1985, 404) and because presidents can claim 'fresher legitimacy' in comparison with parliament (Protsyk 2005b; Schleiter and Morgan-Jones 2009a). Furthermore, presidents might attempt to exploit that deputies are occupied with the election campaign and that the limited number of parliamentary sessions will decrease the likelihood of a veto override.²⁴ These arguments have been confirmed in empirical analyses and their logic applies irrespective of presidents' mode of election or the political system. Therefore, my third hypothesis reads as follows:

H3: Presidents become more active in the run-up to parliamentary elections.

²⁴ In some countries presidential vetoes can also not be overridden after parliamentary elections which puts further time constraints on parliament.

The effect of presidential elections on presidential activism is less clear and empirical findings are mixed. Rohde and Simon (1985) argue that American presidents should be more active towards the end of their term as there would be greater conflict between the pan-national interests of the president and the local interests of individual legislators. However, they find that presidents veto significantly less in years of presidential elections than during mid-term elections. McCarty (1997) on the other hand argues that American presidents veto less in the beginning of their term due to a 'veto honeymoon'. For parliamentary and semi-presidential systems, Schleiter and Morgan Jones (2009a) argue that fresher legitimacy of a president will increase the likelihood of government termination due to presidential interference but only find an effect for directly elected presidents.

A 'honeymoon period' (McCarty 1997) appears less likely in parliamentary and semi-presidential systems; not the president but the government is the dominant executive actor and also typically holds a majority in parliament so that deputies will not hold back legislation that is unfavourable to the president. Nevertheless, presidents still have the same incentive as in a presidential system to build a reputation for vetoing in order to extract concessions later on (Cameron 2009, 376). This would lead to higher activism in the beginning of the term, which would also coincide with the argument about 'fresher' legitimacy made above. Towards the end of their term presidents will be less active as – due to non-concurrent elections – parliament and government will have been elected more recently. Furthermore, towards the end of their first term, directly elected presidents will likely be occupied with their re-election campaign and therefore be less active. Irrespective of their mode of election, presidents will also be less active to appeal to a larger number of voters or deputies. Indirectly elected presidents will try to present themselves as supra-partisan candidates to receive the required super-majority for elec-

tion. Directly elected presidents on the other hand must usually anticipate a second round of voting and then need to appeal to those voters whose candidate did not make it into the second round. This is easier if they do not veto policy that is favoured by the voters of their opponents. As argued above, presidents will generally be less active during a second term in office – their legitimacy is less ‘fresh’ and they increasingly concentrate on enjoying the spoils of office. Thus they should also become less active in the run-up to presidential elections the end of their second term when re-election is no longer an option.

H4: Presidents become less active in the run-up to presidential elections.

The political environment

With regard to the influence of environmental factors on presidential activism, my theoretical framework builds on the political opportunity framework by Margit Tavits (2008). According to Tavits (2008), presidential activism is determined by political opportunities which are created through the relative ‘strength of other political institutions and [the level of consensus between institutions determined by] the constellation of political forces in government and parliament’ (Tavits 2008, 35; insertion by the author). Hereby, she argues that activism should generally increase when consensus is low and other institutions are weak. In contrast to Tavits (2008), I do not assume that these factors eclipse the effect of the mode of election but argue that elections and the political environment both determine presidential activism. Furthermore, I argue that presidents derive benefit from the use of their powers not only when their activism is successful, e.g. a veto is not overridden or a legislative initiative is accepted. Due to the fact that the use of formal powers is visible to the public, presidents also use their powers when the failure is foreseeable in order to send messages to their respective electorate (and in the

case of indirectly elected presidents also the general public). The benefit derived from activism that failed to achieve its ultimate goal is considerably lower; therefore, there should be significantly less activism under unfavourable circumstances, yet presidents will not cease to be active entirely.

The strength of parliament and government

The relative strength of parliament and government influences presidential activism by altering president's chances of success when using their powers. The strength and weakness of parliament is usually measured by the degree of fragmentation, with greater fragmentation indicating parliamentary weakness (Tavits 2008; Schleiter and Morgan-Jones 2009b). Authors thereby argue that higher fragmentation will increase presidents' use of their powers as it increases parties' coordination costs and they are less likely to muster a majority to withstand activism. While the literature review has shown that the results of empirical studies with regard to fragmentation are mixed, authors agree that it should play a role for the use of presidential power and must be controlled for. Furthermore, fragmentation might be more salient in the use of presidents' legislative powers than in government formation. Hence:

H 5: Presidents are more active when parliamentary fragmentation is high.

Similarly to the weakness of parliament, the weakness of government is assumed to lead to more presidential activism. Typically, governmental strength is operationalised as the size of the seat share and whether governments hold a majority of seats in the assembly (Neto and Strøm 2006; Tavits 2008). If the government is in the minority it is considered weak as it will struggle to muster a majority against presidential actions. This in turn increases presidents' chances of success and creates opportunities to become active. Nevertheless, a division between minority/majority governments might be

too simple. A very large seat share of the government might be a greater deterrent for the president just as a particularly small seat share will further increase presidents' chances of success. Therefore, I posit the following:

H 6: Presidents are more active when the government's seat share is small.

The constellation of partisan forces

The constellation of partisan forces in parliament, government and the presidency influences the degree to which these institutions/their representatives agree on policy (Tavits 2008). The level of policy consensus between institutions can thus explain when presidents attempt to block policies or initiate policy change themselves. The two most important factors here are the relationship between president and government and the size of presidents' support base in parliament.

When the president's (preferred) party is part of the government or when there is a significant overlap in the ideological orientation of government and president (in case the latter is an independent), consensus between president and government is at its highest. Both executive actors agree on most policies and presidents have only little incentive to become active as their policy preferences are already being implemented. Presidential activism becomes more likely if the presidents' party is not part of the government and when the ideological differences between president and government become greater. This lowers the consensus between actors and presidents have an incentive to become active. This argument has not only been made by Tavits (2008) but is also used by Neto and Strøm (2006) as well as Schleiter and Morgan-Jones (2009b). The American literature, too, has found that partisan opposition in House or Senate increases the likelihood of presidential vetoes (Lee 1975; Rhode and Simon 1985; Shields and Huang 1995; 1997; Gilmour 2002). From this follows:

H 7: Presidents are most active during cohabitation, less often when relations with the government are neutral and least often when relations are unified.

Consensus between president and parliament on the other hand is linked to the size of the presidents' support base in parliament. Studies of the American president have argued that a larger seat share of the presidential party in either chamber of Congress increases the likelihood of legislation being passed that is favourable to the president. According to a logic similar to the one presented above, activism decreases as with an increasing presidential seat share as presidents' preferences are already being implemented without their interference (Rhode and Simon 1985; Shields and Huang 1995; 1997). Although the American two-party system simplifies the mechanism of effect, it can still be assumed that a larger seat share of the president's party will reduce presidential activism in parliamentary and semi-presidential systems. Presidents can influence bills at earlier stages of the legislative process through their party and thereby ensure compatibility with their own objectives rather than only reacting to policy after it has been passed. Therefore I argue that:

H8: Presidents are more active if their party's seat share is small or if they have no parliamentary support base.

Additional considerations for proactive powers

The hypotheses formulated above have focussed on explaining the use of powers that presidents use in reaction to actions by other actors. These powers are more common and I could thus rely on a greater amount of literature to build my theoretical framework. The use of presidents' proactive powers (such as legislative initiatives) is still understudied and the fact that only few presidents are vested with such powers makes the formulation of hypotheses difficult. Nevertheless, except for the hypotheses H7 and H8

all considerations should also apply to pro-active powers. The relationship between president and government as well as the size of presidents' seat share should have the opposite effect on presidents' use of these powers. Only if consensus between president and government and president and parliament is high will presidential initiatives stand a chance of being accepted and presidents should thus use their proactive powers more frequently under these conditions. Yet, given the lack of empirical evidence on this subject these considerations should be considered tentative and their empirical test as exploratory.

Table 4: Summary of hypotheses

<i>Constitutional factors</i>
H1: Directly elected presidents are more active than indirectly elected presidents.
H2: Presidents are less active in their second term than in their first term in office.
H3: Presidents become more active in the run-up to parliamentary elections.
H4: Presidents become less active in the run-up to presidential elections.
<i>Political environment</i>
H 5: Presidents are more active when parliamentary fragmentation is high.
H 6: Presidents are more active when the government's seat share is small.
H 7: Presidents are most active during cohabitation, less often when relations with the government are neutral and least often when relations are unified.*
H8: Presidents are more active if their party's seat share is small or if they have no parliamentary support base.*

Notes: * The opposite should apply for proactive presidential powers.

1.3 Discussion: Scope and limitations

The theoretical framework developed above aims to explain the discretionary use of formal presidential powers by the president. It contains eight hypotheses that will guide the analysis in the remainder of this study. For the sake of parsimony and feasibility of subsequent testing, the framework could not consider all potential influences on presidential activism and hypotheses present the 'most likely' effect of the variables in question. While these choices therefore seem justified within the framework of this study,

they also impose certain limitations whose consequences need to be addressed and acknowledged. Not all limitations can be easily counteracted. Nevertheless, the mixed-methods design of this study promises to provide sufficient insights to gauge the extent to which these issues impact overall findings.

My theoretical framework focusses on the use of seven ‘basic’ presidential powers which I identified based on the existing literature (Shugart and Carey 1992; Metcalf 2002) and ‘reactive’ powers in particular. However, presidents can also become active using other powers.²⁵ While most other presidential powers can be classified as duties rather than actual powers (e.g. awarding state honours, appointing high-level state officials, announcing election dates) they still carry some potential for activism. The use of such powers as well as the refusal to perform such duties (or diverging in their performance from established patterns) would arguably also qualify as activism.²⁶ Thus, there is a possibility that this study underestimates the total amount of activism. Should the use of these powers simply follow the assumptions of the theoretical framework about the variables’ effect on lower and higher activity and presidents use both types of powers side by side, this would not necessarily affect the validity of overall results as patterns would still be the same. It would be more problematic if presidents used these additional powers instead of the seven ‘basic’ powers considered in this study, or if presidents, instead of being less active, simply used other powers when conditions are unfavourable for the use of the ‘basic’ powers. These scenarios could lead to faulty conclusions and impact the overall findings of this study. Nevertheless, it needs to be considered the vast majority of additional powers and responsibilities can be classified as reactive and can only be used or refused when specific – and relatively rare - circumstances

²⁵ For further powers see lists in Duveger (1978), Lucky (1994), McGregor (1996) and Frye (1997).

²⁶ Presidential speeches and types of action not defined in the constitution could theoretically also be added to this list. Nevertheless, stretching the term presidential activism so far as to include all presidential action would be undesirable as it would hinder the development of sound theory and the test of hypotheses.

give them the opportunity to do so. Even if presidents wanted to, they cannot use these powers at any time they desire, reducing the potential to distort overall findings. Thus, although some potential for spurious conclusions exist which needs to be taken into account for the analysis, it should not excessively distort the overall findings. Furthermore, the qualitative case studies are likely to flag up problematic cases in this regard.

My definition also classifies threats to use powers as presidential activism. Threats can be issued with varying degrees of intensity and sincerity and research on them in the context of European parliamentary and semi-presidential systems is limited to anecdotal evidence. Therefore, they are not included in my theoretical framework. While this limitation seems justified here, it still holds the potential for skewing the eventual results of this study. Instead of actually using their powers, presidents might only threaten to use them (particularly their veto power as it has the highest threat potential) and thereby achieve their desired result. Particularly when constellations in the political environment are favourable to presidential activism, this might lead to superficially lower levels of activism although presidents are in fact very active.²⁷ A similar problem might exist when parliament and government – knowing that they cannot withstand presidential activism – acquiesce to presidents' wishes (e.g. by changing legislation) in anticipatory obedience. Furthermore, actors might strike informal deals to avoid the use of powers or presidents might decide not to become active in order to be able to press concessions at another time. These problems cannot easily be counteracted in the statistical tests of my hypotheses and must be kept in mind when interpreting their results. Nevertheless, the qualitative case studies in the second part of this thesis can be expected to provide sufficient insights to assess the potential for underestimating presidential activism here as well as to revise the theoretical framework accordingly if necessary.

²⁷ In particular, this might distort the effects of presidential and governmental seat shares and parliamentary fragmentation.

Last, my framework currently assumes that all explanatory factors have an independent and constant effect. Yet, some interdependencies between variables might exist and considerations regarding these are not included in the theoretical framework. Nevertheless, for the sake of parsimony and following the logic of nested analysis (Lieberman 2005) only a general theoretical framework is proposed at this stage. Insights from the qualitative part of this study can be used to further modify it if necessary at a later point

1.4 Conclusion

Presidents comprise the majority of heads of states in European democracies. Although presidential politics has been discussed more generally in a variety of country-specific case studies, the actual use of presidential powers is still understudied – particularly in comparative perspective. Drawing on insights from studies of presidential activism in the United States can help to structure and focus the discussion of relevant factors as well as to gain a better understanding of the factors that determine the use of presidents' formal powers. Irrespective of the political system concerned, scholars have explained presidential activism using presidency-centred and president-centred approaches. The former focus on constitutional variables and the political environment and are generally better developed on a theoretical level while the latter focus on presidents as individuals and still suffer from a lack of a solid theoretical foundation. The theoretical framework that I have developed in this chapter therefore adopts a presidency-centred perspective. It assumes that the mode of presidential election, presidential terms and the electoral cycle present 'baseline' influences that determine general levels of presidential activism, while variations in factors related to the political environment – the constellation of partisan forces and the relative strength of institutions – create the more specific conditions (in addition to the 'baseline' factors) under which presidents become active. Based

on these arguments I have formulated eight hypotheses (Table 4) on presidential activism in parliamentary and semi-presidential systems. Last, I discussed potential limitations of the theoretical framework and their implications for this study. Some potential for underestimating the overall amount of presidential activism exists which cannot easily be counteracted in the statistical analysis. Nevertheless, the qualitative insights from the second part of this thesis can be expected to provide a sound basis for assessing the degree to which these issues impact the eventual findings of this study. The following chapters will test these using both quantitative and qualitative methods. The mixture of methodologies will help to show to what extent the hypotheses can explain larger patterns in the use of presidential powers as well as specific instances of activism and insights gained from the different methods will be used to improve upon this framework.

2

AN EMPIRICAL ANALYSIS OF PRESIDENTIAL ACTIVISM IN LEGISLATION

The empirical study of presidential activism has until now suffered from the fact that comparative and comprehensive data on the use of presidential powers— except for presidential vetoes in the United States – was hardly available. Consequently, scholars had to analyse activism using descriptive statistics only (often confined to one specific country; Protsyk 2004; Haspel et al. 2006; Krupavičius 2008; Neto and Lobo 2009; see also case studies in Tavits 2008 and Hloušek 2013a) or they made use of imperfect proxies which rather measured the success of assumed presidential involvement in government formation than actual activism (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b; 2010). The lack of appropriate data has made it very difficult to adequately test hypotheses on presidential activism and assess the importance of the various factors assumed to influence the use of presidential powers. In the chapter at hand, I will use an entirely new quantitative data set created specifically for this study to address these shortcomings. It contains data of unprecedented detail on the actual use of legislative presidential powers in nine Central and East European democracies between 1990 and 2010 as well as the respective political conditions and institutional circumstances under which activism occurred. Building on this data set, I seek to address some of the deficiencies of earlier studies and provide one of the first comprehensive statistical, cross-country analyses of the *actual* use of presidential powers in parliamentary and semi-presidential systems.

The statistical analysis of presidential activism presents the first step of the nested analysis approach (Lieberman 2005). I test my hypotheses using large-N analysis to assess the general applicability of my theoretical framework. The results lay the basis for the subsequent in-depth analysis and determine its focus, i.e. model-testing analysis if the results of the statistical models are robust and confirm the hypotheses and model-building analysis if the hypotheses are not confirmed and alternative explanations are needed. In the following, I will first briefly describe my data set. Using descriptive statistics I will then provide a first overview of the use of presidential powers in Central and Eastern Europe and assess whether observable patterns of presidential activism exist. Building on these insights, I proceed to test my hypotheses in two steps. First, I will analyse the occurrence of presidential activism per month using count regression models. Second, I will use event history analysis to assess how the factors presented in my theoretical framework influence the length of time periods between the uses of powers. In both models, I mainly focus on the use of presidential vetoes as it is not only the most prominent but also the most frequently used power. The results of the statistical models confirm the majority of my hypotheses, so that the last part of the chapter is concerned with selecting cases for in-depth, model-testing analysis based on the predictions of the statistical models.

2.1 A new data set of presidential activism

The data set used in this chapter is one of the first cross-country collections of data on the actual use of presidential powers in European parliamentary and semi-presidential democracies. Previous analyses of presidential activism focused on president's involvement in government formation and thereby used the share of non-partisan cabinet ministers as a proxy for activism (Neto and Strøm 2006; Tavits 2008; Schleiter and

Morgan-Jones 2009b; 2010). Nevertheless, this tends to be a very indirect measure of presidential activism as it measures the success rate of assumed involvement by the president rather than the actual use of powers. Consequently, data that captures the actual use of presidential powers is needed which is why the data set used in this study relies on the use of president's legislative powers – the presidential veto, requests for judicial review and the right to introduce legislative initiatives. The use of these powers is always publicly documented and it can thus be easily determined when presidents were active.²⁸ Despite certain limitations imposed by the fact that not all presidents possess these powers (although they are still in the majority), dismissing them for that reason (see Tavits 2008) would not be adequate. In contrast to almost all other presidential powers, the use of the legislative powers included in this study is always discretionary and never a ceremonial requirement. This makes them a valid and reliable indicator of presidential activism, particularly in the sense of the definition adopted by this study. Finally, presidents can use their legislative powers at any point during their term in office (or at least every time parliament passes a bill). Governments are only formed on comparatively rare occasions and presidents' discretion in using their non-legislative powers might thereby be severely restricted by election results and the composition of parliament.

The data set covers nine of the ten Central and Eastern European EU member states.²⁹ It contains data from the inauguration of the first democratically elected presidents in the early 1990s until the end of December 2010 for seven of these countries. Due to restricted data availability, only the presidency of Georgi Parvanov (in office from 01/2002) is covered for Bulgaria. Also due to limitations on available and reliable

²⁸ As discussed in the previous chapter (section 1.3 'Discussion: Scope and limitations'), it can unfortunately not be excluded that presidents are active without actually using their powers (e.g. by the way of threats).

²⁹ Unfortunately, Slovenia has to be excluded as the president does not possess any legislative powers.

data, the data set only contains information on the use vetoes by Romanian presidents since October 2004.³⁰ Despite these restrictions, the data set still contains 92% of its target observations and is thus more than sufficient to adequately test the hypotheses of my theoretical framework. For each month – the smallest observational unit sensibly possible given variations in data availability and accuracy – during the period of observation the data set contains country-specific information on the use of each of the three presidential powers, president-Prime Minister pairings, the nature of the intra-executive relationship, the exact composition of parliament and government as well as the sizes of the governmental and presidential seat share, the closeness of parliamentary and presidential elections, and the number of bills passed by parliament. The monthly specification of each variable is a great improvement over other data sets (e.g. Volkens et al. 2006; Strøm, Müller and Bergman 2006) which usually only specify these factors for the start of a legislative period or a particular cabinet and do not provide information about subsequent changes unless a new cabinet is formed.

To guarantee a high degree of accuracy, data on the use of presidential powers, the number of bills passed by parliament and the composition of the legislature has been collected from primary sources, such as online databases of the respective parliaments and presidential offices, parliamentary publications, national law gazettes and reports of the parliamentary research offices. Secondary sources such as scholarly publications and newspaper articles have only been used to validate this data; in case of discrepancies data was confirmed through contact with national parliaments and presidential offices. Dates of presidential and legislative terms as well as the composition and duration

³⁰ The Romanian president returns bills to either the Chamber of Deputies (lower house) or Senate (upper house) of parliament, depending on where they have been passed. The government is however only responsible to the Chamber of Deputies. In this chapter I will only take bills returned to the first chamber into account as the inclusion of bills returned to either Chamber – amongst others due to their different composition – would be difficult to model. While this underestimates the total number of vetoes by president Basescu, the relative frequency with regard to legislation passed by parliament stays the same.

of particular governments are based on information from national governments' websites, the country-specific chapters in Ismayr (2010a) and the *Political Science Data Yearbook*. If not indicated otherwise, my examples of specific incidences of presidential activism in the following analyses are taken from this data set and based on the knowledge gained while assembling it.

Table 5: Geographical and temporal coverage of the data set

Country	Mode of election	Time period covered	Monthly observations	Total number of		
				vetoed /	review requests /	initiatives
Bulgaria	Direct	01/2002 – 12/2010	107	24	5	–
Czech Republic	Indirect	01/1993 – 12/2010	215	75	11	–
Estonia	Indirect	10/1992 – 12/2010	219	59	11	–
Hungary	Indirect	08/1990 – 12/2010	245	39	37	3
Latvia	Indirect	07/1993 – 12/2010	209	35	1	16
Lithuania	Direct	10/1992 – 12/2010	214	175	2	149
Poland	Direct	01/1991 – 12/2010	240	76	47	106
Romania	Direct	05/1990 – 12/2010	246	25*	9	–
Slovakia	Indirect	02/1993 – 05/1999	75	27	7	–
	Direct	06/1999 – 12/2010	139	168	4	–
Total			1909	705	134	274

Notes: '–' means that the president does not have the respective power; * vetoes of legislation from the Chamber of Deputies during 10/2004 – 12/2010 only.

2.2 Patterns of presidential activism

Scholars have repeatedly pointed out that presidents in CEE made very different use of their powers, whereby some countries and incumbents seemed to be prone to presidential activism whereas others were not (Ismayr 2010b; Tavits 2008; Hloušek 2013b).³¹ At least with regard to cross-country differences, this is corroborated by the data summary given in Table 5. However, the problem with evidence such as this is that it only relies on the number of instances of presidential activism. Tables as the one presented above suffice to describe very general patterns of presidential activism; yet, they do not allow for drawing inference about why such differences in the use of presidential powers ex-

³¹ See also case studies in Taras (1997), Elgie (1999a), Elgie and Moestrup (2008a), Ismayr (2010a) and Hloušek (2013a).

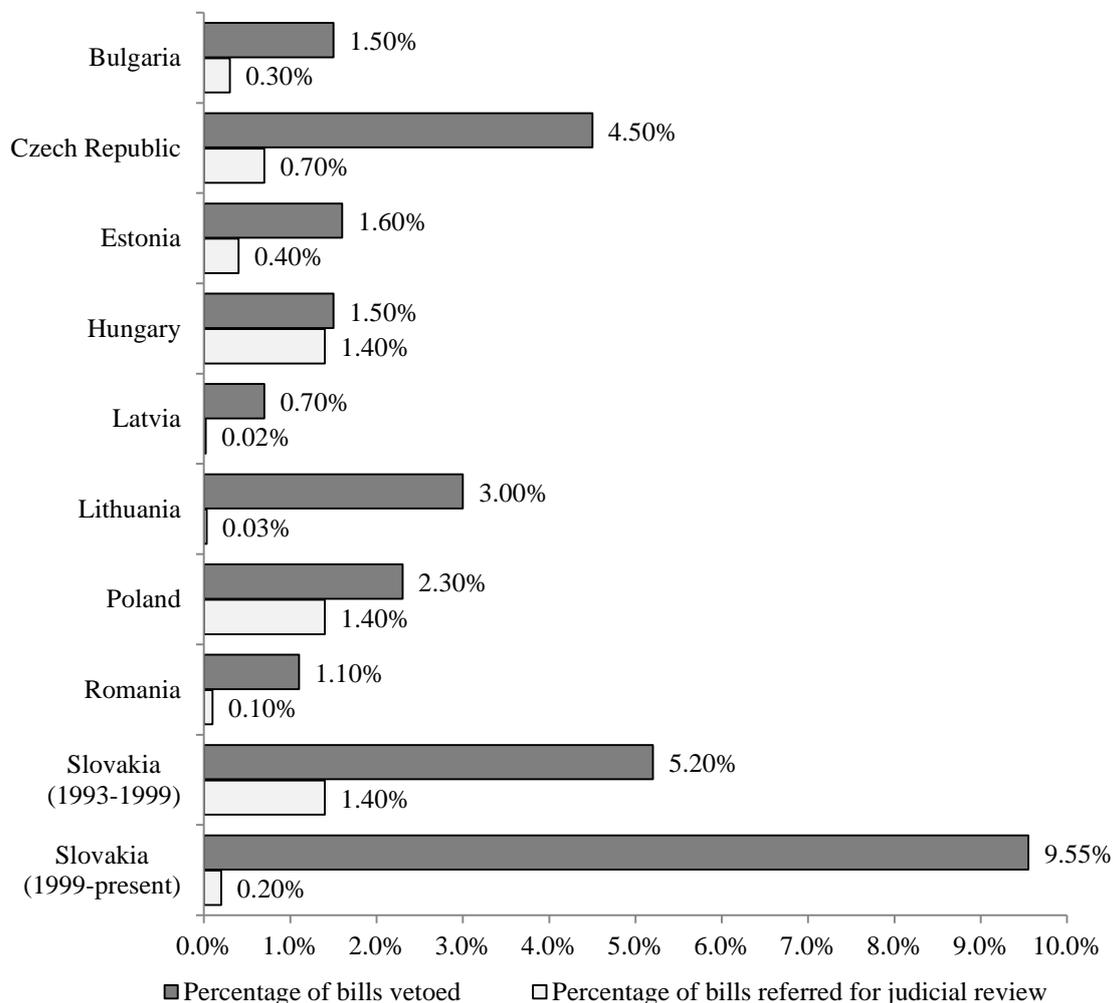
ist. To do so, descriptive statistics of presidential activism must incorporate contextual factors such as the relationship between president and government to make them comparable within countries (as for instance in Krupavičius 2008; Tavits 2008; Körösenyi, Tóth and Török 2009) or between them. To increase the degree of comparability, I introduce an additional variable that until now has almost only been used in the study of the U.S.-American president, i.e. the number of bills passed by parliament (Hoff 1991; Woolley 1991; Shields and Huang 1995; 1997; Spáč 2013). The use of reactive presidential powers in the legislative arena is necessarily linked to the amount of legislation passed by parliament (Shields and Huang 1997, 440f). Presidents can only exercise their veto power or refer bills to the Constitutional Court when parliament passes legislation and forwards it to the president for signature. The amount of legislation passed by parliament is an important variable that needs to be considered as it varies not only greatly among countries but also provides a control for times when parliament is out of session (e.g. due to summer/winter recess or parliamentary elections). The use of legislative initiatives is not tied to any requirements, yet here the number of all legislative initiatives submitted to parliament provides an appropriate control. Unfortunately, detailed data on the number legislative initiatives is not available for Hungary, yet the following analysis will still incorporate them as far as possible.

Country differences in the use of presidential powers

Figures 3 and 4 illustrate the abovementioned variation in the use of presidential powers between countries. If one compares the percentage of legislation subject to presidential vetoes or requests for judicial review (Figure 3) no uniform pattern emerges at first glance. Directly elected presidents in Slovakia vetoed the highest amount of legislation in my sample; indirectly elected presidents in Latvia on the other hand vetoed least frequently when taking parliament's legislative output in account. Yet apart from these two

extremes, there are a number of countries with indirectly presidential elections where presidents used their power veto just as often as or even more frequently than their directly elected counterparts in other countries. Czech and Slovak presidents (the latter even independently from their mode of election) vetoed the highest percentage of legislation. They are followed by Lithuanian and Polish presidents but then again the indirectly elected presidents of Estonia and Hungary vetoed a higher proportion of bills than the presidents of Bulgaria and Romania.³²

Figure 3: The use of vetoes and review requests by Central and East European presidents



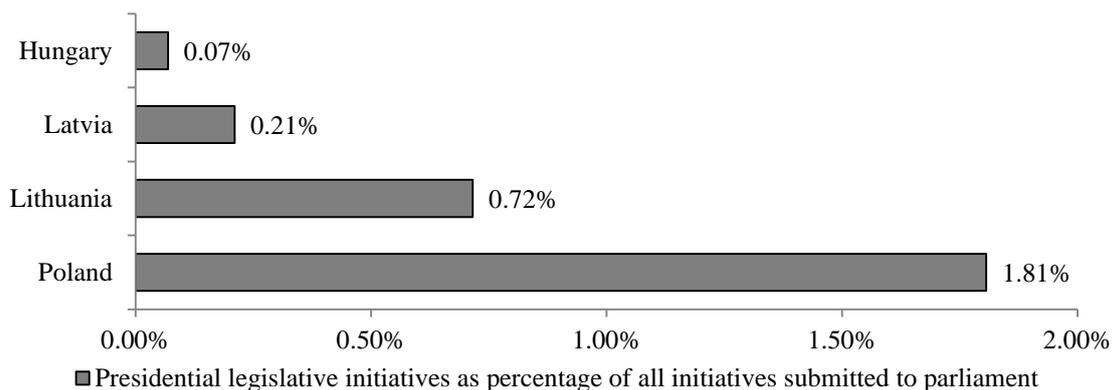
Notes: Data for Bulgaria refers to 01/2002-12/2010 only; veto data for Romania refers to legislation from the Lower Chamber during 10/2004 – 12/2010 only.

Source: Own compilation

³² Note that data Bulgaria and Romania is incomplete and the numbers presented here are not as indicative as for the other countries.

A similar lack of a coherent pattern can be found in the use of judicial review requests. It appears that indirectly elected presidents refer a higher amount of legislation to Constitutional Court than their popularly elected counterparts, yet Polish presidents still requested review for the same percentage of bills as Hungarian presidents and indirectly elected presidents in Slovakia. Country differences for the use of legislative initiatives (Figure 4) show an equally varied picture as there are great differences between countries. However, the directly elected presidents in Poland and Lithuania used their powers significantly more often than their indirectly elected counterparts in Hungary and Latvia. These differences between countries present part of the empirical puzzle that this thesis tries to explain.

Figure 4: The use of legislative initiatives by Central and East European presidents



Source: Own compilation

Presidential activism and president-government relations

The comparison above has not yet taken into account explanatory factors from my theoretical framework. The mode of election and the relationship with president and government are two of the most frequently used explanatory factors and in contrast to other variables (such as the electoral cycle) easy to include in cross-tables. For the following tables, I have divided the relationship between president and government into three categories – unified, neutral, and cohabitation – to give a better overview of president-government relations. Several presidents ran as independents, were not members of a

political party represented in parliament or cut ties with their respective parties upon inauguration (Ismayr 2010b). Nevertheless, this does not mean that they were by definition opposed to the policies of the government, i.e. a differentiation between unified relations and cohabitation only (which would classify any relationship involving a non-partisan president as cohabitation) would be too simplistic. Periods of unified relations were only coded when the president's party was part of the government or a president without party affiliation actively endorsed a given government and/or its policies. A neutral relationship was coded when the president's party was not part of the government but tolerated it or when a non-partisan president was at variance over certain topics but not in opposition to each other. Cohabitation was coded when the president's party was in opposition to the government or an independent president's ideological orientation was strongly opposed to the position of the government. In case of doubt, the neutral category was chosen. Unfortunately, this means that there is a somewhat higher variance in this category with regard to the exact nature of president-government relations. Coding was based on the secondary literature on presidents in CEE and media reports. To avoid tautologies, coding decisions were solely based on presidents' policy orientations rather than evidence from the use of their powers.

Table 6: The use of vetoes by Central and East European presidents

		Mode of election		Total
		Direct	Indirect	
		<i>% of bills vetoed / vetoes per month (total)</i>		<i>% of bills/ per month (total)</i>
President- government relations	Unified	1.58 / 0.36 (114)	1.01 / 0.16 (57)	1.33 / 0.25 (171)
	Neutral	5.06 / 0.97 (259)	2.18 / 0.24 (83)	3.83 / 0.56 (342)
	Cohabitation	3.49 / 0.52 (97)	3.08 / 0.35 (95)	3.28 / 0.41 (192)
Total		3.11 / 0.61 (470)	1.87 / 0.24 (235)	2.55 / 0.41 (705)

Source: Own compilation

The presidential veto is – independently from the mode of election – by far the most frequently used presidential power (see Table 5). While the differences between countries still showed great differences, Table 6 clearly shows that directly elected presidents

vetoed a higher percentage of legislation than indirectly elected presidents. On average, directly elected presidents vetoed 3.11% of all legislation, whereas indirectly elected presidents only vetoed 1.87%. The fact that a comparison of monthly averages would have greatly overestimated the difference³³ highlights the importance of setting presidential vetoes in relation with parliament’s legislative output. This pattern also exists irrespective of the relationship between president and government – popularly elected presidents always use their veto more often than presidents elected by parliament. The relationship between president and government also appears to influence the use of vetoes. Indirectly elected presidents used their veto as expected most often during cohabitation, less frequently during neutral relations, and least often when president-government relations were unified. Veto patterns of directly elected presidents only mirror expectations in so far as they issued the least vetoes during unified relations, yet more during neutral relations than under cohabitation. Although potentially indicative of the effect of other variables, this could also – at least in part – be ascribed to the adapted coding practice described above, where ‘neutral’ was chosen as a default category in case of doubts.³⁴

Table 7: The use of judicial review requests by Central and East European presidents

		Mode of election		Total
		Direct	Indirect	
		<i>% of bills subject to review / review requests per month (total number of review requests)</i>		<i>% of bills/ per month (total)</i>
President- government relations	Unified	0.22 / 0.05 (24)	0.11 / 0.02 (6)	0.18 / 0.04 (30)
	Neutral	0.08 / 0.01 (5)	0.65 / 0.07 (25)	0.32 / 0.05 (30)
	Cohabitation	1.37 / 0.20 (38)	1.17 / 0.13 (36)	1.26 / 0.44 (74)
Total		0.35 / 0.07 (66)	0.53 / 0.07 (67)	0.42 / 0.07 (134)

Source: Own compilation

³³ Directly elected presidents vetoed only 1.66 times more bills than indirectly elected presidents, yet a comparison of monthly averages would have suggested that directly elected presidents vetoed 2.54 times more often than their indirectly elected counterparts.

³⁴ Nevertheless, the qualitative analysis in the second part of this study should be able to provide more differentiated insights here which might not only improve interpretation of these results but could also be used to improve coding rules in the future.

Apart from vetoing legislation, all presidents in my sample can request the judicial review of bills by the Constitutional Court (Supreme Court in Estonia). Here the patterns of activism are not as clear. Indirectly elected presidents requested review more often than directly elected presidents, yet once again follow expectations with regards to president-government relations. Directly elected presidents requested judicial review most often during cohabitation, yet more frequently during unified relations than when president and government were on neutral terms. However, when the requests of directly and indirectly elected presidents are combined, they follow general expectations about the effect of consensus over policy between president and government. The fact that presidents – independently from their mode of election – exercised their right to request judicial review considerably less frequently than they used presidential vetoes shows a general difference between these powers. Vetoes can be justified by purely political and/or personal reasons and can be used for virtually any bill. However, a request for judicial review must be sufficiently substantiated with evidence that a bill violates the constitution (presidents in Estonia can only request judicial review once their veto has been overridden by parliament).³⁵ Finally, involving the Constitutional Court can be a great risk for presidents compared to a veto as Court rulings establish objectively which side is right or wrong. In contrast to an overridden veto, presidents cannot blame their political opponents but likely have to face greater criticism if their requests are rejected.

³⁵ Not to mention that the amount of unconstitutional legislation passed by parliament can be expected to be relatively low. The Polish Constitutional Tribunal for instance declared less than 2% of all legislation passed between 1998 and 2010 as unconstitutional (Polish Constitutional Tribunal 2013; own calculations).

Table 8: The use of legislative initiatives by Central and East European presidents

		Mode of election		Total
		Direct	Indirect	
		<i>Initiatives as % of all initiatives /initiatives per month (total number of initiatives)</i>		<i>% of initiatives/ per month (total)</i>
President- government relations	Unified	1.38 / 0.63 (108)	n/a / 0.03 (7)	n/a / 0.29 (115)
	Neutral	0.62 / 0.55 (88)	n/a / 0.08 (9)	n/a / 0.35 (97)
	Cohabitation	1.27 / 0.48 (59)	n/a / 0.03 (3)	n/a / 0.27 (62)
Total		0.96 / 0.56 (255)	0.16 / 0.04 (19)	0.71 / 0.30 (274)

Source: Own compilation

Not all constitutions grant presidents the right to submit legislative initiatives to parliament. Among the directly elected presidents, only the Lithuanian and the Polish presidents are allowed to do so; indirectly elected presidents with the right to legislative initiative can be found in Hungary and Latvia.³⁶ The differences in the use of legislative initiatives by directly and indirectly elected presidents already became evident in Figure 4 and are thus also reflected in the summary in Table 8. While initiatives by Polish and Lithuanian presidents accounted for close to 1% of all legislative initiatives, initiatives by Hungarian and Latvian presidents only represent 0.16% of all initiatives. Directly elected presidents used their power most often during unified relations as expected by my theoretical framework (initiatives are most likely to be accepted by parliament if the president's policy position coincides with the governmental majority), but do not corroborate it otherwise. This also applies to the use of initiatives by indirectly elected presidents, yet here the data only relies on 19 submitted initiatives so that it is difficult to draw sensible conclusions in any case.

The descriptive statistics used in the first part of this chapter have shown that some discernable patterns of presidential activism exist, even though they are not as clearly visible as one might have expected from previous scholarly findings and commonly assumed generalisations. Also, while patterns exist in aggregate data, they are not as

³⁶ Presidents in Bulgaria and Estonia can only submit suggestions for constitutional amendments and are therefore not included here.

readily identifiable on country level. Nevertheless, it should be noted that aggregates on country level do not allow for making generalisations as they do not take into account any specific explanatory factors. The next sections of this chapter will therefore use regression analysis to provide a more sophisticated statistical test of my hypotheses.

2.3 Event count models of presidential activism

The first set of regression models in this chapter will analyse the general frequency of presidential vetoes and test to what extent the independent variables specified in my theoretical framework are important predictors of their use. This is the most common way to analyse the use of individual presidential powers and has mainly been used in the study of presidential vetoes in the U.S. For a long time, political scientists have used ordinary least square (OLS) regression models to analyse the use of presidential powers (Lee 1975; Rhode and Simon 1985; Hoff 1991; Woolley 1991). However, as Shields and Huang (1995; 1997) show, OLS models are far from adequate for the type of data generated by observing presidential activism, i.e. event count data. The dependent variable is the number of times a power has been used and can thus only take positive integer values. As OLS regression models would predict values below zero and overestimate coefficients if applied on such data, they cannot be employed and event count models need to be used (Shields and Huang 1997). Event count models are based on a probability distribution, whereby the simplest such distribution is the Poisson. However, a Poisson distribution is only appropriate when the variance of the distribution is not greater than its mean, i.e. when there is no overdispersion in the data (Hilbe 2010, 2; Shields and Huang 1997, 443). Overdispersed data can be modelled using a negative binomial distribution which uses a shape parameter α to account for the heterogeneity of

the data (Hilbe 2010, 3).³⁷ Data for the use of all three powers analysed here are over-dispersed so that negative binomial regression models are an adequate choice for use in this study.

As described above, my data uses months as observational units which creates a comparatively high number of zeroes in the data (i.e. no use of presidential power observed); these excess zeroes can potentially skew the results of event count models (Hilbe 2011, 346). In case of data on presidential vetoes this does not create any problems as there is still a sufficient number of non-zero observations and models accounting for excess zeroes do not provide a significant improvement. For data on judicial review requests and legislative initiatives, however, it is necessary to control for excess zeroes in order to achieve robust results. One way is to simply extend the coverage of the units of observations.³⁸ Excess zeroes can also be dealt with by using negative binomial hurdle models or zero-inflated negative binomial models. These types of models use different ways to model the origin of excess zeroes in order to control for them in the calculation of coefficients and achieve better results (Cameron and Trivedi 1998, 123; Hilbe 2011, 346ff). I will discuss the models I have chosen for the analysis of these powers and the way to control for excess zeroes in more detail in the respective discussions below.

Unfortunately, the general negative binomial model used here does not easily allow for including country-effects (Hilbe 2011, 500). However, negative binomial models still represent the best option for analysing this type of data. The negative binomial models are not employed as a stand-alone method but used in conjunction with event history analysis (EHA). EHA allows for including country effects and for estimating the

³⁷ The Poisson can be derived from the negative binomial distribution as a generalisation; it presents a special kind of negative binomial distribution where $\alpha = 0$.

³⁸ In their analysis of presidential vetoes in the U.S., Shields and Huang (1995) for instance use congressional terms as their observational units which minimises the number of zero counts in the data.

influence of the different variables on yet another aspect of presidential activism (see Chapter 2.4). Also, the results of the quantitative analysis will be complemented by and validated through qualitative case studies and thus provide a greater in-depth understanding of country differences. Finally, Lieberman (2005) actually suggests not to include country dummies as part of nested analysis as they are ‘likely to soak up some of the cross-country variance’ (Lieberman 2005, 438) so that it is more difficult to explain differences in the subsequent qualitative analysis. Therefore, these limitations do not pose a problem for the study at hand.

*Notes on variable operationalization*³⁹

The dependent variable in the following models is the number of times that presidents used their respective power in a given month.⁴⁰ The presidential mode of election and the term of the president are included as dummy variables, whereby direct election and the presidents’ first term are coded as ‘1’ and indirect election as well as the second term as ‘0’. The closeness of parliamentary and presidential elections is measured in months until the election date. In case early elections were called, the number of months is corrected from the month onwards in which the new date was announced. Both variables are entered into the models as their natural logarithm so that relative differences between values are more accurately reflected.

The fragmentation of parliament is measured using Laakso and Taagepera’s (1979) effective number of parties; in its calculation independent deputies are treated as parties

³⁹ See also Appendix A1.1.

⁴⁰ An argument could be made that only successful uses of presidential powers should be included in this analysis. Nevertheless, determining what a ‘successful’ use of power is can be very difficult. Vetoes for instance can be considered successful if they are not overridden, yet even if laws are passed again there are instances in which vetoes could still be considered successful. For instance, parliament may incorporate some of the president’s suggestions in the bill or pass these in a separate new bill. Furthermore, presidents might also simply be interested in stalling the implementation of certain provisions or direct public attention to a particular issue. Similar considerations apply to the use of judicial review requests (a bill could be declared only partly unconstitutional and/or not due to the reasons given by the president) and legislative initiatives (a presidential bill proposal might be passed, but only in a radically altered version).

with only one seat. Similar to the variables on the electoral cycle, I use the natural logarithm in the model. The seat share of the government is calculated on the basis of all parties that officially belonged to a particular government, i.e. codified by a coalition treaty. The coding of the seat share of the president is based on whether the president continuously held membership in a political party represented in parliament during his/her term. A party was also coded as ‘presidential’ if presidents only suspended party membership for the duration of their term, but no seat share was coded when presidents publicly severed ties with their old party. The descriptive statistics have suggested that the effect of president-government relations might be non-linear. Therefore, I will not use an interval variable here but include dummy variables for cohabitation and neutral relations instead. I also include the number of bills passed by parliament into the models of presidential vetoes and judicial review requests. As outlined above, the passage of legislation is the natural prerequisite for the use of these powers and thus an important control for the frequency of the use of vetoes and review requests.⁴¹ The inclusion of this variable also helps to control for country-specific differences in patterns of legislative output by parliaments.

Finally, standard errors in all models will be clustered on episodes of president-cabinet pairings (Table 9). These are defined on the basis of Müller and Strøm’s (2003) definition of cabinets with some additions. A new episode is thus always coded a) when there is a ‘change in the set of parties holding cabinet membership’, b) when ‘the identity of the Prime Minister’ changes, c) after each general election (Müller and Strøm 2003, 12), d) when the identity of the president changes, and e) after each presidential election. The majority of variables in my model will change between different episodes

⁴¹ Studies of presidential veto use by the U.S.-American president (Hoff 1991; Woolley 1991; Shields/Huang 1995; 1997) have argued that a higher amount of legislation increases the likelihood of presidential vetoes because a higher number of bills should theoretically also be associated with the passage of more bills that are objectionable to the president.

and the use presidential use of powers is therefore likely to be interrelated within a single episode rather than within a country or over the duration of a president's term.

Table 9: Descriptive statistics of president-cabinet episodes

Country	Number of episodes	Mean length (months)	Minimum length (months)	Maximum length (months)
Bulgaria	4	26.75	17	42
Czech Republic	16	16.00	1	47
Estonia	15	14.60	2	31
Hungary	14	17.50	2	41
Latvia	19	11.00	1	30
Lithuania	15	14.27	1	35
Poland	24	10.00	1	31
Romania ^{a)}	17	14.47	1	48
Slovakia	12	17.83	5	40
Total	134	14.33	1	48

Notes: a) Data on vetoes only available for 6 episodes.

2.3.1 An event count model of presidential vetoes

All presidents in my sample can veto legislation and they can do so at any time that parliament forwards them bills for signature. Regulations regarding presidential vetoes are fairly similar and vary slightly with regards to the time presidents have to sign legislation and which majority is needed to override them (relative or absolute majority). Unfortunately, the latter is highly correlated with the mode of election⁴² and can therefore not be included in the model. As a consequence of this limitation, references to the explanatory power of popular elections in the quantitative part of the thesis must therefore be understood as referring to direct elections in combination with a higher override threshold. Ultimately a more varied data sample to test for separate effects would be desirable; nevertheless, thanks to the mixed-methods design of this study the effect of different majorities can still be assessed in the qualitative analysis which might then al-

⁴² With the exception of the Czech Republic, vetoes of all indirectly elected president only require a relative majority to be overridden, while vetoes of directly elected presidents require an absolute majority or supermajority (only in Poland: 1989-1997: relative 2/3 majority; 1997-present: relative 3/5 majority).

so suggest different ways of operationalisation. As seen in the first part of this chapter, vetoes are the most frequently used and most prominent presidential power; therefore their analysis should provide the most meaningful and generalizable results.

Table 10: Negative binomial regression model of presidential vetoes

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election	0.856	0.185 ***
President's first term in office	0.266	0.196
Time until parliamentary elections (log)	-0.141	0.078 *
Time until of presidential elections (log)	-0.015	0.074
<i>Political environment</i>		
Fragmentation of parliament (log)	-0.074	0.190
Governmental seat share	-1.563	0.711 **
Presidential seat share	-1.799	0.843 **
President-government relations		
<i>Neutral</i>	0.443	0.261 *
<i>Cohabitation</i>	0.551	0.240 **
No of bills passed (log)	0.295	0.052 ***
Constant	-1.102	0.724
α (shape parameter)	1.867	0.274
$N = 1738; n$ (non-zero counts) = 400		
Log pseudolikelihood = -1323.5245		
Likelihood-ratio test of $\alpha = 0$: $\text{chibar}2(01) = 284.48$ Prob>= $\text{chibar}2 = 0.000$ ***		

Notes: *** $p < 0.005$; ** $p < 0.05$; * $p < 0.1$; standard errors clustered on president-cabinet episodes.

The results of the negative binomial regression model of presidential vetoes confirm the majority of my hypotheses and only three coefficient estimates fail to reach statistical significance. Most prominently, the model shows that direct presidential elections are positively and significantly associated with a more frequent use of presidential vetoes, i.e. popularly elected presidents vetoed considerably more often than presidents elected by parliament. The model also confirms another hypothesis regarding the influence of constitutional factors on presidential activism. Presidents vetoed more frequently as the time period until the next parliamentary election decreased. However, presidents were not significantly more active during their first term in office than during

their second term and the closeness of presidential elections did also not lead to a significant decrease in presidential vetoes as expected.

All hypotheses regarding factors of the political environment – except expectations about the effect of parliamentary fragmentation – are corroborated by the results of the model.⁴³ Increases in the seat share of the government or the president were both associated with a decrease in presidential veto use which confirms the assumption of my theoretical framework. A larger seat share of the government makes veto overrides more likely and is therefore a deterrent for presidential activism. A larger seat share of the president's party gives an office-holder greater influence over legislation before it is passed. As policies are thus more likely to coincide with presidents' policy preferences, they do not need to become active and use their powers. Coefficient estimates for both neutral president-government relations and cohabitation are also statistically significant and both positively associated with veto use. This corroborates my expectation that greater differences in policy positions increase the use of presidential vetoes but also highlights once again that the relationship (at least in my data) is non-linear. Finally, the number of bills passed by parliament is a further significant predictor of presidents' use of vetoes. Presidents vetoed significantly more often when more bills were passed by parliament. This confirms my expectations and corroborates findings from American presidential studies.

The size of coefficients in negative binomial regression models can generally be interpreted as representing the change in the logs of the dependent variable for a one-unit change in the independent variable (UCLA 2014). A more illustrative interpretation is the so-called derivative interpretation by King (1989, 123; see also Shields and Huang 1997, 446) according to which 'the effect of each independent variable on the count of

⁴³ Interestingly, the statistical non-significance of parliamentary fragmentation mirrors the results of Neto and Strøm (2006) and Tavits (2008) with regard to presidential involvement in government formation.

vetoed equals its coefficient estimate times the sample mean' of the dependent variable (Shields and Huang 1997, 446). Of course, this interpretation can only be sensibly applied to those variables in the model that were not included in logarithmic form, but it can still give an indication of the effect of popular presidential elections, changes in seat shares and president-government relations. The mean of presidential vetoes in my data is 0.40564. Based on the derivative interpretation popularly elected presidents can thus *ceteris paribus* be expected to issue 0.347 (0.8560×0.40564) more vetoes per month or 4.16 (0.347×12) more vetoes per year than indirectly elected presidents. Similarly, presidents will issue 0.224 more vetoes per month (0.551×0.40564 ; 2.688 per year) during cohabitation than during neutral and unified relations combined. When interpreting the effect of the number of seats controlled by the government and the president's party one needs to take into account that they are included in the model as a proportion of the total number of seats in the legislature. Therefore, it is more sensible to look at the effect of increases in the independent variable that are smaller than one full unit. For instance, for every 10% increase of the governmental seat share presidents will issue 0.063 vetoes less per month (-0.1563×0.40564) or 0.76 vetoes less per year. When the presidents seat share increases by 10%, presidents will issue 0.073 vetoes less per month (-0.1799×0.40564) or 0.876 less vetoes per year, respectively. Of course, given that the data stems from nine different countries this interpretation can only show trends and is not a very accurate prediction. Nevertheless, the model results are robust and the model overall strongly confirms my theoretical framework.

2.3.2 An event count model of requests for judicial review

All presidents in my sample can also request the judicial review of bills by the Constitutional or Supreme Court. Generally, the same conditions apply to its use as to presiden-

tial vetoes, i.e. presidents can logically only request the judicial review of bills if parliament passes legislation, and the respective procedures are almost identical. However, Estonia needs to be excluded from the calculations in this model as its exceptional regulations too are difficult to model as part of the regression models used here.⁴⁴ Second, as discussed above the high number of zeroes in the data (only 6% of observations are non-zero counts) presents a problem for fitting the model. Extending the coverage of each unit of observation to three months does not solve the problem entirely as there are still too many zeroes in the data.⁴⁵ Thus, the issue of excess zeroes has to be addressed differently.

As part of negative binomial regression models, correcting for excess zeroes can be accomplished by using either hurdle or zero-inflated models which both share the assumption that zeroes and event counts are created by two independent statistical processes (Cameron and Trivedi 1998, 123; Hilbe 2011, 346ff). Hurdle models assume that one process is based on the other, meaning that the first process determines whether an event generally occurs or not and the second process then decides on the number of observed events. This means that some observations – those that are assigned a zero in the first process – are never at risk of experiencing an event whereas the others always are.⁴⁶ Zero-inflated models on the other hand assume that both processes are independent (i.e. zeroes and non-zero counts stem from different groups) and their outcomes are merely mixed in the data. Furthermore, while ‘hurdle models [...] estimate zero counts using different distributions, zero-inflated models incorporate zero counts into both the

⁴⁴ Estonian presidents can only request judicial review after the veto of a bill was overridden. This makes their use of review requests conditional on veto overrides.

⁴⁵ Three months is the longest period which still allows for adequately capturing variations in the independent variables, so that a further extension would not be sensible. Nevertheless, even when using quarters as observational units there are still only 78 non-zero counts compared to 510 zero observations.

⁴⁶ Cameron and Trivedi (1998, 127) exemplify this using the example of patients’ visits to the doctor modelled in Pohlmeier and Ulrich (1995). In the first process patients first decide whether they go to the doctor or not. In the second process the doctor specifies the intensity of the treatment for those patients who decided to come.

binary and count processes' (Hilbe 2011, 370) by mixing them in accordance with their proportion in the data (Long and Freese 2001). The zero-inflated model is more adequate here for the following two reasons. First, the assumptions underlying the zero-inflated model resemble the actual process more closely than the hurdle model. It may well be that there is an observation where no judicial review is used even though the president would be willing to do so, e.g. when parliament simply does not pass unconstitutional bills. Second, the majority of non-zero observations only record one judicial review request (64% of all non-zero observations). The results of a hurdle model would therefore hardly be informative as the second step of its calculations is eventually only concerned with the observations in which the remaining 36% of judicial reviews occurred (n=28).

Table 11: Zero-inflated negative binomial regression model of judicial review requests

Variable	Coefficient estimate	Standard error
Negative binomial part (veto prediction)		
<i>Political environment</i>		
Fragmentation of parliament (log)	-1.020	0.352 ***
Governmental seat share	-2.285	1.020 **
Presidential seat share	-0.635	0.890
President-government relations		
<i>Neutral</i>	0.409	0.393
<i>Cohabitation</i>	1.376	0.318 ***
No of bills passed (log)	0.242	0.160
Constant	0.058	1.130
Inflate/excess zero prediction (logit)		
<i>Constitutional factors</i>		
Direct election	-0.642	1.061
President's first term in office	-0.327	0.914
Time until parliamentary elections (log)	-0.492	0.465
Time until of presidential elections (log)	1.713	2.487
Constant	-7.417	6.516
α (shape parameter)	0.920	0.578
$N = 510$; N (non-zero counts) = 78		
Log pseudolikelihood = -267.3847		
Vuong test of zero-inflated vs. standard negative binomial: $z = 2.37$ $\text{Pr}>z = 0.0532$ *		
Notes: *** $p < 0.005$; ** $p < 0.05$; * $p < 0.1$; standard errors clustered on president-cabinet episodes.		

A zero-inflated model requires the specification of variables that are assumed to be responsible for creating excess zeroes. These are used to predict the number of zeroes in the whole data set with a logistic regression model before a negative binomial regression model is used to predict the overall number of counts in a subset of the data (non-zero counts + observations which the logistic model cannot accurately predict as ‘certain zeroes’). Variables for both parts of the zero-inflated model are usually different as it is assumed that both processes are determined by different factors (Long and Freese 2001). In the case at hand, the identification of such factors is difficult and a sophisticated solution would require more in-depth knowledge of the cases involved.⁴⁷ Nevertheless, as a preliminary solution (and keeping in mind that the event history analysis in the next subchapter will be able to deal with excess zeroes more effectively) I will proceed as follows. As I argued in my theoretical framework, constitutional factors present the ‘baseline’ influences on presidential activism and determine the overall likelihood of presidents becoming active. For the purpose of this model it can therefore be assumed that these factors can help to distinguish between the process creating excess zeroes and the process generating ‘non-zero’ and ‘likely non-zero’ observations. I will therefore enter the constitutional factors into the logistic part of the model and the variables associated with the political environment into the negative binomial part. The results of the model (Table 11) show that unfortunately none of the constitutional factors appear to be statistically significant predictors of excess zeroes. Nevertheless, the Vuong test shows that the zero-inflated model still outperforms a negative binomial model without zero inflation (albeit only at $p < 0.0532$) and a log likelihood ratio test shows that the zero-inflated model still fits better than a general negative binomial model (see Appendix

⁴⁷ The qualitative case studies in the next chapter will partly be able to provide such insights.

A2.1 for a general model). Due to the small number of non-zero counts, the results still have to be interpreted with great caution.

The coefficient estimate for the fragmentation of parliament suggests that a higher effective number of parties is negatively associated with the use of judicial review request. My theoretical framework had assumed the contrary, i.e. that presidents will use their powers more often when parliament is fragmented. A tentative explanation for this could be that a smaller number of parties is more likely to be associated with the dominance of few parties which then ignore views of the minority or suggestions regarding the constitutionality of bills. However, given the great variation in parliamentary fragmentation across my sample it could also simply be a country-effect that is not controlled for here.

Similar to the use of presidential vetoes, a larger seat share of the government is associated with fewer requests for judicial review. While a smaller seat share does not increase presidents' chances of success here, requesting judicial review presents an opportunity for presidents to exploit the general weakness of the government. Furthermore, minority governments require the support of other parties to pass their legislation which might lead to compromises that introduce legal inconsistencies. Finally, cohabitation is positively associated with a higher number of review requests. This corroborates my hypothesis that presidents should be more active when there is no consensus over policy between president and government. While the above analysis is not able to show to what extent presidents use judicial review requests for purely legal or political reasons, a decreasing overlap in policy preferences appears to at least increase presidents' general use of this power. The model results lend only very limited support to my theoretical framework. Nevertheless, the extremely low levels of the use of review requests and

the difficulties in modelling them here statistically mean that the results are far from definite and need to be interpreted with caution.

2.3.3 An event count model of legislative initiatives

Legislative initiatives are the only proactive legislative power included in this analysis and only four countries in my sample grant presidents the power submit draft bills to parliament. The descriptive statistics above have already shown that directly elected presidents used this power much more frequently than their indirectly elected counterparts, but no clear picture emerged regarding the influence of president-government relations. Once again, the high number of zeroes in the data (only 17% are non-zero counts) presents a problem for estimating the negative binomial model correctly. However, in contrast to data on judicial review requests this can be corrected by merely extending the coverage of the units of observation from one month to three months.

As expected, the results of the model show that popular presidential elections are a highly significant predictor of presidents' use of legislative initiatives. The variable also exhibits the largest coefficient estimate which according to the derivative interpretation would mean that directly elected presidents *ceteris paribus* submit 2.306 (2.437×0.946 [sample mean]) more legislative initiatives during a three month period (or 9.224 per year). Of course, given that the model is based on only four countries this result only reflects the general trend already found in the descriptive statistics. In contrast to the previous models, the coefficient estimate for presidents' first term in office now reaches statistical significance. This would confirm my assumption that presidents should be more active in their first term. However, when looking at how legislative initiatives were used by individual office holders, this appears to be a spurious relationship. In Hungary, only the first president Árpád Göncz submitted legislative initiatives (three

overall from which he withdrew one) and Latvian inaugural president Guntis Ulmanis introduced 10 (out of 16 during the whole period of observation) in his first term. A similar picture can be drawn for Lithuania (60 out of 149 legislative initiatives were submitted by president Algirdas Brazauskas in his first and only term) and Poland (30 out of 107 initiatives were submitted by the first president, Lech Wałęsa).

Table 12: Negative binomial model of legislative initiatives

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election	2.437	0.304 ***
President's first term in office	0.924	0.285 ***
Time until parliamentary elections (log)	-0.304	0.125 **
Time until of presidential elections (log)	-.0460	0.133
<i>Political environment</i>		
Fragmentation of parliament (log)	0.224	0.442
Governmental seat share	-0.625	0.901
Presidential seat share	0.878	0.810
President-government relations		
<i>Neutral</i>	0.377	0.325
<i>Cohabitation</i>	-0.024	0.287
Constant	-1.903	1.278
α (shape parameter)	0.941	0.224
$N = 277$; N (non-zero counts) = 178		
Log pseudolikelihood = -296.54958		
Likelihood-ratio test of $\alpha=0$: $\chi^2(01) = 68.76$ Prob $\geq\chi^2 = 0.000$ ***		

Notes: *** $p < 0.005$; ** $p < 0.05$; ; standard errors clustered on president-cabinet episodes.

Finally, the model shows that presidents submitted more legislative initiatives to parliament when parliamentary elections approached. This confirms my hypothesis that presidents should be more active in the run-up to parliamentary elections. Nevertheless, as parliament will have less time to consider initiatives submitted closer to elections this also presents a certain puzzle and highlights that theory on the use of the use of presidents' proactive powers needs to be developed further.

2.3.4 Preliminary conclusion – Event count models of presidential activism

The analysis of presidential activism using negative binomial regression models has produced several interesting results and confirmed a number of my hypotheses. The analysis of the use of presidential vetoes showed the most striking results – the model was very robust and confirmed the majority of my hypotheses. Furthermore, the results challenge Margit Tavits' (2008) claim that direct elections do not matter for presidential activism. Popular presidential elections were positively and strongly associated with a higher numbers of presidential vetoes⁴⁸ as well as more legislative initiatives. Nevertheless, the models have also demonstrated difficulties in the statistical modelling of the use of presidential powers. This concerned both the problem that excess zeroes made fitting a model more difficult and the fact that while presidential powers can sensibly be grouped together in theory, they cannot as easily and adequately be accessed: uniformly using the same set of independent variables. Therefore, the results presented here are to some extent preliminary. This does not generally present a problem within the nested analysis approach (Lieberman 2005) and particularly in this study as the negative binomial models are complemented not only by in-depth case studies but also by another regression method – event history analysis.

2.4 Event history models of presidential activism

Until now, this chapter has analysed how often presidents generally used their different legislative powers and how constitutional and environmental factors influenced these levels of activism. I have controlled for the closeness of presidential and parliamentary elections and thus already included time-varying components into my models. Event count models now allow for analysing the time it takes until presidents use their powers

⁴⁸ It should be noted once again that the veto override threshold could unfortunately not be included as it was highly correlated with the mode of election.

for the first time or the time periods between the use of their powers. While the results of the analyses above have shown that directly elected presidents are more active, it still stands to reason whether they also become active faster than their indirectly counterparts once they entered office or how the incidence rates of activism differ for different constellations of factors in the political environment. Furthermore, it is also not clear whether presidents would have eventually used their powers had only the period of observation been longer.

These and other questions cannot be answered by using count regression models. Therefore, I will use event history analysis (EHA) to assess the role that time plays in presidential activism. EHA (also known as ‘survival analysis’ in the context of biostatistics) is a regression technique that allows for modeling time-to-event data. In EHA, the dependent variable is the amount of time until a certain event takes place or the time between two events. The aim of the analysis is then to assess which factors influence the length of this time period (Box-Steffensmeier and Jones 2004). The reason why this kind of analysis requires its own regression technique lies in the nature of the data that is analysed. While the starting point of the period of observation is usually known and precisely defined, the actual observation period can end before the event of interest takes place.⁴⁹ These ‘censored’ (i.e. incomplete) observations would have to be excluded in traditional regression models as the total duration until the event is unknown. EHA on the other hand is able to accommodate these observations as well by basing its estimations always only on those observations which are ‘at risk’ of experiencing an event at a given point in time. Even censored observations are thus included in the model up to the point where there is no information on their eventual termination (Box-Steffensmeier and Jones 2004, 16ff). This means that the great number of zeroes in the

⁴⁹ This is called ‘right-censoring’ data; ‘left-censoring’ on the other hand describes data where the starting point of the period observation is not known and is much less common in the non-medical context.

monthly observations of presidential activism in my data set is not a problem that needs to be addressed by changing the period of observation or excluding observations from the eventual calculation. EHA produces more robust and reliable results as these observations, too, are taken into account.

The Cox proportional hazards model

The most widely used EHA model introduced by Cox (1972; 1975) assumes that ‘the effect of any covariate [has] a proportional and constant effect that is invariant to when in the process the value of the covariate changes’ (Box-Steffensmeier and Jones 2004, 132). This is called the ‘proportional hazards assumption’ – when calculating the effects of covariates the model only assumes this property of the risk-function while not assuming any other restrictions on its shape. The proportional hazards assumption is violated when the effect of any independent variable changes over time. As non-proportional hazards lead to overestimation of coefficients, checking for violations is imperative and part of the model diagnostics (Box-Steffensmeier and Jones 2004, 132). EHA allows for the inclusion of both time-independent (‘fixed’) variables as well as time-dependent variables, i.e. variables which change during the period of observation. Therefore, EHA is preferable to most other regression models even for uncensored data (Box-Steffensmeier and Jones 2004, 19).

The interpretation of coefficients in EHA models differs from other regression models to the extent that coefficients give information about the influence of the individual covariates on the time until an event occurs or the time between events (in my case the use of a presidential power). Hereby, a positive coefficient means that the risk of such an event increases and the period of time decreases with changes in the variable. Negative signs mean that the risk decreases, i.e. the duration until the event increases (Box-

Steffensmeier and Jones 2004, 59). The size of the coefficient describes the amount of change in the ‘hazard rate’. The hazard rate describes the rate at which events occur by time t , given that the observational units have not yet experienced an event; i.e. it gives the ‘instantaneous potential’ of event occurrence (Box-Steffensmeier and Jones 2004, 14; Kleinbaum and Klein 2005, 10ff).

Compared to count regression models, EHA has several more advantages which help to make full use of the detail of my data. As mentioned above, it is possible to let variables vary over time; thus the monthly changes of the composition of parliament as well as the presidential and governmental seat share find adequate consideration because they are included in the model as time-varying covariates. As time in my EHA will be measured in days not monthly or quarterly periods, estimates are also more precise. I collected these data as part of assembling the event count data set so that a transformation of the data set for EHA is possible without problems. In all models, standard errors are clustered on episodes of president-cabinet pairings which I already used in my negative binomial models (Table 9). Furthermore, in contrast to the event count models EHA allows me to control for country effects by entering countries into the models as ‘strata’ (similar to panels in other regression models) which allow for different ‘baseline hazards’ – the unconditional probability of the occurrence of an event within a given time period – in each country. Nevertheless, this means in consequence that the findings of EHA are unfortunately not directly comparable to the event count models.

In the following, I will now analyse the effect of my independent variables on incidence rates of presidential activism, i.e. their influence on the time periods between uses of each legislative presidential power. For this purpose I will use so-called repeated events model which allows for an event to occur (i.e. a presidential power to be used) multiple times during one observation (Box-Steffensmeier and Jones 2004, 153ff). This

helps to address an important question which negative binomial models were not able to answer. The negative binomial models showed that popularly elected presidents used their powers more often, yet it was not clear whether they rather spread their vetoes evenly or use them *en masse* in larger bulks. Especially the latter is a phenomenon that became apparent in a number of countries when the data set was assembled. These multiple uses of powers at the same time will be accounted for by weighting these observations by the number of times a power was used simultaneously. Naturally, this implies the assumption that two vetoes have exactly twice the weight or practical relevance of one veto. Nevertheless, this is still the most sensible strategy as weighting them differently would be difficult to justify on a theoretical level.

My hypotheses all remain similarly applicable to the EHA models, so that in cases where I argued that presidents should be more active the hypotheses are confirmed when the variable in question increases the hazard rate and vice versa. Finally, I once again include data on the amount of legislation passed by parliament as a control variable. I also include a control for the number of times a particular power has already been used in a particular episode (entered in form of its natural logarithm).

2.4.1 EHA of presidential vetoes

The negative binomial regression model of presidential vetoes confirmed the majority of my hypotheses – most prominently it showed that popular presidential elections were associated with a higher number of vetoes. The EHA model, too, shows a very good model fit. However, the effect of the variable for approaching parliamentary elections appears to violate the proportional hazards assumption (for test see Appendix A2.2), so that it is included in the model as part of an interaction term with the natural logarithm of time. This does not only control for its non-proportional effect but also increases the

accuracy of the model (Box-Steffensmeier and Jones 2004, 136f). A comparison between models before and after treatment (Appendix A2.3) shows that the inclusion of the interaction term has no significant effect on coefficient size, sign and significance. The model is thus still very robust and supports a great number of my hypotheses.

Table 13: EHA of presidential vetoes

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election	1.046	0.187 ***
President's first term in office	-0.007	0.115
Time until parliamentary elections (log) ^{a)}	-0.018	0.012
Time until of presidential elections (log)	-0.118	0.046 ***
<i>Political environment</i>		
Fragmentation of parliament (log)	-0.286	0.164
Governmental seat share	-1.260	0.466 **
Presidential seat share	-0.572	0.436
President-government relations		
<i>Neutral</i>	-0.057	0.137
<i>Cohabitation</i>	0.618	0.176 ***
No of bills passed (log)	-0.343	0.047 ***
Number of previous vetoes in episode (log)	0.432	0.069 ***

N = 2355; number of events = 536

Likelihood ratio test= 219.6 (11 df) ***

Notes: *** p<0.005; ** p<0.05; * p<0.1; standard errors clustered on 128 president-cabinet episodes; a) interacted with natural logarithm of time to control for non-proportionality of effect, see Appendix A2.3 for comparison with untreated model.

First and foremost, the model shows once again that the mode of presidential elections is an important predictor of presidential activism and popular elections are significantly associated with increased levels of presidential activism. As the size of the coefficient can ceteris paribus be interpreted as the change in the hazard rate, the hazard for directly elected presidents is by 1.045 higher than for indirectly elected presidents. My hypothesis that approaching presidential elections will lead to less presidential activism as presidents will either be on the campaign trail, try to present themselves as uncontroversial or enjoy the spoils of office at the end of their presidency is not confirmed by the EHA model. Rather, a decrease in the time period until the next presidential election

increases the hazard rate for presidential vetoes. Interestingly, the coefficient estimate for this variable did not reach statistical significance in the event count model, while the closeness of parliamentary elections (non-significant here) showed the expected effect.

From the variables relating to the political environment, estimates for the effects of the governmental seat share and cohabitation are significant and confirm my hypotheses. A large seat share of the government significantly decreases the hazard rate for presidential vetoes. Cohabitation of president and cabinet on the other hand significantly increase the hazard rate by a factor of 0.611 compared to neutral or unified relations and thereby more than half as much as popular presidential elections alone. The number of bills passed by parliament appears to be associated with a decrease in the hazard rate for presidential vetoes. A potential explanation would that presidents, given limited time and resources, will rather sign a bill than veto it and potentially risk an override. Finally, the control for the previous use of vetoes in the episode is positively and significantly associated with an increase in the hazard rate. This means that office holders who used their veto before are likely to veto again and that on average each veto decreases the time until the next. In summary, the EHA model has again confirmed my hypotheses about the effect of a number of key variables. Popular elections, a decreasing governmental seat share and cohabitation were all significantly associated with an increase in the hazard rate for presidential vetoes. Given that I also found these hypotheses confirmed in my negative binomial models⁵⁰, these findings lend additional support to the arguments and assumptions made in my theoretical framework.

⁵⁰ Although one should keep in mind that both models assess different aspects of presidential activism and the override threshold could also not be adequately included in this model.

2.4.2 EHA of judicial review requests

Presidents' use of requests for judicial review proved to be difficult to model in a negative binomial regression due to excessive number of zero counts in the data. Even after extending the coverage of each unit of observation to three months and using a zero-inflated model, the results were not as robust as in the case of presidential vetoes and legislative initiatives. As outlined above, EHA is unaffected by the number of zero counts and can incorporate into the calculation of coefficient estimates. While its results can therefore be seen as more robust (although not directly comparable to the negative binomial models) the small number of events still limits the extent to which meaningful and reliable results can be obtained. Once again, I exclude Estonia from the models as presidents cannot request reviews for any bill submitted for signature, but only when their initial veto of a bill has been overridden by parliament. In contrast to the EHA model of presidential vetoes, tests show no violation of the proportional hazards assumption (see Appendix A2.4).

Table 14: EHA of judicial review requests

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election	-0.353	0.572
President's first term in office	-0.058	0.271
Time until parliamentary elections (log)	0.251	0.129 *
Time until of presidential elections (log)	-0.258	0.083 ***
<i>Political environment</i>		
Fragmentation of parliament (log)	-0.407	0.243 *
Governmental seat share	-1.546	1.112
Presidential seat share	-0.860	0.720
President-government relations		
<i>Neutral</i>	0.398	0.469
<i>Cohabitation</i>	0.651	0.291 **
No of bills passed (log)	-0.262	0.112 **
Number of previous review requests in episode (log)	0.336	0.239

N = 1862; number of events = 117

Likelihood ratio test= 44.02 (11df) ***

Notes: *** p<0.005; ** p<0.05; * p<0.1; standard errors clustered on 119 president-cabinet episodes.

Out of the four constitutional variables, only the closeness of presidential elections produces a statistically significant coefficient estimate. In contrast to the assumptions of my theoretical framework approaching presidential elections increase the hazard rate, i.e. presidents request judicial reviews more frequently when elections come closer rather than in the beginning of their term. A tentative explanation could be that presidents use the often lengthy proceedings before the Constitutional Court as a way to continuously exert influence over policy even after their term in office has ended – be it because they have reached their term limit or because they failed to be re-elected. In the block of variables related to the political environment, statistically significant coefficients can be found for the presence of cohabitation and the number of bills passed by parliament.

With regard to cohabitation between president and government, the results of the EHA model confirm my hypotheses – cohabitation is associated with an increase in the hazard rate, i.e. presidents use their power in shorter intervals if there is no overlap in their policy position with the policy preferences of the government. Interestingly, the coefficient size is only slightly larger than the size of the same coefficient in the EHA model of presidential vetoes. Similar to the EHA model of presidential vetoes, the coefficient estimate for the number of bills passed by parliament does not corroborate my initial assumptions. Rather than being associated with an increase in the hazard rate, an increase in parliaments' legislative output leads to a decrease in the hazard of judicial review requests. This could be due to the fact that a higher legislative output puts pressure on presidents – given deadlines to sign the bill and limited capacity of their administration they have less time and resources to check bills for constitutionality and rather sign bills than risk defeat in court. Finally, the control for previous uses of judicial reviews in the episode does not reach statistical significance. This does not necessarily

mean that a previous use of judicial review requests does not decrease the hazard rate; it might be attributed to the general rarity of the passage of unconstitutional legislation.

2.4.3 EHA of legislative initiatives

Similar to judicial review requests, legislative initiatives were difficult to model in the negative binomial regression analysis as here, too, a large number of observations were zeroes. Again, the EHA model should be better equipped to deal with the large number of zero counts. Only presidents in Hungary, Latvia, Lithuania and Poland have the right to submit legislative initiative and as the descriptive statistics have shown directly elected presidents did so significantly more often. Due to the great differences in veto use between countries it is unfortunately not possible to enter countries as different stratas into the model (Kleinbaum and Klein 2005). A further difficulty in fitting the model arises from the fact that a number of variables violate the proportional hazards assumption (see Appendix A2.5). Again, these have been interacted with the natural logarithm of time (Box-Steffensmeier and Jones 2004, 136f), yet this changes the size and significance of a number of coefficients (see Appendix A2.6). The following discussion will thus be limited to those variables that were consistently significant before and after the addition of interaction terms and coefficient size will only be discussed if it does not differ significantly between models.

The results of the EHA model are generally very similar to those of the negative binomial model. As expected, the variable for popular presidential elections is significantly associated with an increase in the hazard rate, meaning that directly elected presidents submit initiatives in shorter intervals than their indirectly elected counterparts. The effect of popular elections on the hazard rate is thereby almost twice as high as in the case of presidential vetoes. The first term of presidents only produced a statistically significant

coefficient estimate in the untreated model. While this effect would have confirmed my hypothesis, I have already pointed out above that this could be due to the great activity of the first generation of presidents in all four countries and is not necessarily a conclusion that can be easily generalised. Similarly to the negative binomial model which showed that approaching parliamentary elections were associated with more initiatives, the results of the EHA model show that the shorter time period also increases the hazard rate. This means that presidents become more active in the run-up to elections as expected, but due to the fact that parliament has less time to pass bills at that point also appears slightly counterintuitive. Out of the environmental variables, all variables only show a statistically significant effect after interaction with the natural logarithm of time (as time is the dependent variable, this result is not surprising and demonstrates why these results should not be over-interpreted). Nevertheless, similar to the EHA model of presidential vetoes, the control for the previous submission of legislative initiatives increases the hazard rate, i.e. presidents become more likely to submit legislation to parliament during an episode if they have done so before.

Despite the general congruence between findings of the negative binomial and EHA models, the fact that only four presidents possess the power to submit legislation, the vast differences between directly and indirectly elected presidents as well as between the inaugural presidents and their successors show that a general statistical approach might not be best suited for the analysis of legislative initiatives. Rather, a country-specific analysis of these patterns appears to be more adequate. This would then also provide a better basis for formulating improved hypotheses about the use of proactive presidential powers which still remain understudied.

Table 15: EHA of legislative initiatives

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election)	2.205	0.469 *** ^{b)}
President's first term in office	0.374	0.261 ^{b)}
Time until parliamentary elections (log) ^{a)}	-0.044	0.017 *** ^{b)}
Time until of presidential elections (log)	-0.147	0.076 *
<i>Political environment</i>		
Fragmentation of parliament (log)	-0.814	0.380 **
Governmental seat share ^{a)}	0.250	0.103 **
Presidential seat share ^{a)}	-0.373	0.160 **
President-government relations		
Neutral ^{a)}	-0.132	0.057 **
Cohabitation ^{a)}	-0.146	0.038 ***
Number of previous initiatives in episode (log) ^{a)}	0.069	0.017 *** ^{b)}
N = 1170; number of events = 204		
Likelihood ratio test= 249.5 (10df) ***		

Notes: *** p<0.005; ** p<0.05; * p<0.1; standard errors clustered on 72 president-cabinet episodes; a) interacted with natural logarithm of time to control for non-proportionality of effect; b) variable with significant effect in untreated model; see Appendix A2.6 for comparison of models.

2.4.4 Preliminary Conclusion – EHA of presidential activism

The results of the EHA models of presidents' legislative powers largely mirrored those of the event count models. The analysis of presidential vetoes in particular confirmed a great number of hypotheses – most prominently the relevance of the presidents' mode of election – and provides strong support for my theoretical model. Popular presidential elections also increased the hazard rates for the use of legislative initiatives and the presence of cohabitation increased hazard rates in all three models. Although the EHA was able to handle the high number of zero counts better than the negative binomial models and the models confirmed a number of my hypotheses, the results regarding the use of judicial reviews and legislative initiatives were not as robust as the model on presidential vetoes. Due to the rarity with which presidents use them it is difficult to model them statistically. Given that there has also hardly any other theoretical or empirical work on their use so far, it would appear more sensible to study the mechanisms at

work in more detail before returning to them as part of a general statistical analysis. In contrast, the use of presidential vetoes could be well-explained by the statistical model and due to the general prominence of this power presents an ideal opportunity for further investigation in this study.

2.5 Discussion and case selection for in-depth analysis

The assessment of findings from the quantitative analysis is a further important step of the nested analysis approach used in this study. It determines the focus of the qualitative analysis and guides the selection of cases for in-depth analysis. The central question is whether the results of the quantitative analysis provide sufficient evidence that the theoretical model adequately explains the phenomenon in question (Lieberman 2005, 439). If the answer to this question is yes, the qualitative analysis is carried out in the form of ‘model-testing’ analysis which seeks to further test the robustness of the model and illustrate the causal mechanisms at work. In case the results do not confirm the hypotheses or there is only a poor model fit, the qualitative analysis is focussed on formulating new hypotheses with the aim of eventually testing a new model using quantitative methods.

2.5.1 Principles of case selection

Overall, the results of the statistical analysis supported the majority of my hypotheses. The results were most striking and robust with regard to the use of presidential vetoes. Results for the use of judicial review requests and legislative initiatives were somewhat less conclusive, yet still showed the relevance of a number of key variables in explaining presidential activism. The comparatively rare occurrence of judicial review requests and the fact that only four presidents can use legislative initiatives demonstrates that

they are not necessarily representative and reliable indicators of presidential activism. Presidential vetoes on the other hand are used frequently by both directly and indirectly elected presidents. In fact, they are likely the most frequently used of all formal presidential powers and thus represent a key aspect of presidential activity. Furthermore, both the negative binomial and the event history models of presidential veto use produced robust results and strongly supported the expectations of my theoretical framework. Therefore, it is not only adequate to focus the analysis in the remainder of this study on vetoes as the most frequently used and prominent presidential power but also to engage in ‘model-testing’ analysis to further validate the quantitative findings and develop a comprehensive explanation of presidential activism.

Lieberman (2005, 444) argues that when proceeding with model-testing analysis, the cases for in-depth study should be selected based on how they were predicted by the statistical model. As Lieberman (2005) restricts the aim of model-testing analysis to confirm the causal mechanisms between the dependent variable and the statistically significant independent variables in the model, he argues that only cases that are comparatively well-predicted by the statistical model should be selected for in-depth analysis. Yet, as Rohlfing (2008) argues this way of approaching the qualitative section of nested analysis severely restricts its ability to detect misspecification of the statistical model, particularly whether important variables have been excluded. To broaden the scope of the analysis in this way and increase variance on all variables, it is not only necessary to attempt to assess all possible factors that could have influenced the dependent variable (Rohlfing 2008, 1505f) but it also seems reasonable to select a number cases for in-depth analysis that were not very well predicted by the model.⁵¹

⁵¹ An example of the successful implementation of such a strategy (albeit only on the basis of two cases) can be found in Bäck and Dumont (2007).

For my qualitative analysis I will use ‘episodes’ of president-cabinet pairings as cases for investigation (Table 9). The episodes provide the best available option here as they are typically short enough to allow for in-depth analysis.⁵² At the same time, they are still long enough to allow for assessing the effects of intra-case variation of independent variables on presidential activism. While some variables (e.g. president-government-relations) do not change within a single episode, the moderate length of most episodes (compared to a full presidential or legislative term) still allows for including these factors in the assessment through comparison with preceding and subsequent episodes. Finally, rather than selecting episodes from all countries included in my model I will first select a subset of four countries from which the eventual episodes for analysis – several from each country – are selected. This two-stage process of case selection is necessary in order to ensure comparability and draw more robust and insightful conclusions (see next section for further discussion).⁵³

2.5.2 Selection of countries

Selecting a subset of countries from which episodes for analysis are then chosen in a second step has several advantages. It guarantees a degree of variation on the dependent and independent variables which is necessary for assessing the existence of links between variables under different conditions (Lieberman 2005, 444). Selecting episodes purely on the accuracy of their predicted scores could potentially lead to a selection bias for a particular country or constellation of variables so that a subsequent analysis would only be able to give very limited insights. Furthermore, the two-stage selection process helps to place the in-depth analysis of individual episodes into a wider context as back-

⁵² In this regard they are superior to case studies focussing on an entire country or a whole presidential term.

⁵³ For a description and discussion of how the qualitative analysis will proceed within countries and episodes, see beginning of next chapter.

ground information on the respective country and its political system can be more easily provided. Having a number of episodes from the same country thereby also facilitates the assessment of whether mechanisms found are specific to an individual episode or represent a broader pattern (either within an individual country or beyond).

To select cases that allow me to test my hypotheses and assess the results of the statistical models I will follow a most different systems design (Przeworski and Teune 1979). This approach allows for assessing the effect of variables and applicability of hypotheses under a diverse set of circumstances as well as for drawing stronger conclusions should their effect/applicability be confirmed across different conditions. Thus, the results have greater potential for contributing to the assessment and potential revision of the general theoretical framework proposed in this study. A most similar systems design would certainly be informative with regards to uncovering the reasons for differences in presidential activism between very similar countries⁵⁴, yet the country sample in this study already shares a number of similarities.⁵⁵ Following a most similar systems approach might therefore lead to highly particular findings and would not necessarily facilitate a critical assessment of the overall validity of the theoretical framework and statistical model results.

I will select two countries with directly elected presidents and two with indirectly elected presidents from my sample. Furthermore, for each pair, I will select one country with a relatively powerful president and one country with a relatively weak president. These two factors are typically used to classify regime types and represent important ‘baseline’ influences on the role of the president within a political system. Selecting four countries not only enables me to cover the four main combinations of these variables but they also present almost half of the entire country sample. Even if two countries

⁵⁴ Note that some of these advantages will be retained by selecting several episodes from one country.

⁵⁵ See Introduction ‘A study of presidential activism in Central and Eastern Europe’.

should turn out to be idiosyncratic cases (Liebermann 2005, 448), the results of their analysis would still be balanced and accompanied by findings from two other countries. In contrast, selecting only two or three countries would make the detection of atypical cases more difficult, whereas the selection of five or more cases would undermine the advantages of the two-stage case selection process outlined above.

Among the directly elected presidents in CEE, the Polish, Lithuanian, and Romanian president have traditionally been classified as being comparatively 'powerful' (Frye 1997; Metcalf 2000; Elgie and Moestrup 2008b). Irrespective of the problems with data availability for Romania, Poland is the most suitable choice for the purpose of this study. The Polish president is the only president in CEE whose veto requires a higher override majority. As discussed in section 2.3.1 of this chapter, this was a factor that could not be adequately included in the statistical analysis due to its strong correlation with the mode of election and thus requires further investigation. Furthermore, Poland also experienced two constitutional changes (in 1992 and 1997) which altered the powers of the president with regard to both legislation and government formation/dismissal. Thus, Poland presents a perfect case for studying the effects of change in formal rules on activism in more detail. Bulgaria and Slovakia feature comparatively less powerful presidents. However, as noted above, data on the activism of Bulgarian presidents is severely limited. Bulgarian presidents also do not possess any significant powers in government formation, yet – given problems with the available quantitative data – one of the purposes of in-depth analysis is also to qualitatively assess presidential activism in this area. The Slovak president possesses both legislative and non-legislative powers and therefore has to be preferred here. Furthermore, Slovakia presents the only case in my sample where the mode of presidential election was changed from indirect to direct elections. Due to this change the analysis of presidential activism in Slovakia thus al-

lows for validating my hypothesis and the findings of the statistical models on the mode of presidential election.⁵⁶

The Hungarian president is formally the most powerful indirectly elected president in Central and Eastern Europe and the competencies of the office almost match those of its Polish counterpart (Metcalf 2002). Thus, Hungary presents an interesting point of comparison in the framework of this study and its selection for in-depth study will guarantee variation in the role of the president within political systems. The country with the formally weakest presidency in my sample is Estonia. Similar to the Polish case, the Estonian case exhibits factors that could not be adequately incorporated into the quantitative analysis and their effects require further qualitative investigation. As mentioned above, Estonian presidents can only request the judicial review of bills after a previous veto of the same bill has been overridden by parliament. Furthermore, Estonian presidents' role in government formation is even more strongly limited than in other countries. Finally, both Hungary and Estonia have not experienced constitutional changes during my period of observation. The analysis of episodes from these countries will thus be able to give an indication of the extent to which established informal rules or constitutional practice influence presidential activism. The fact that important constitutional changes can only be observed in Poland and Slovakia presents a certain limitation of this case selection. Nevertheless, this is somewhat balanced by the variation in presidential powers and the differences regarding the way in which constitutional law in Estonia and Hungary is interpreted and enforced. While Hungary possesses one of the most powerful Constitutional Courts in Europe, Estonia has not established a specialised court and questions of constitutional law are decided by the Supreme Court (Hönnige 2011).

⁵⁶ Nevertheless, the veto override threshold was simultaneously increased to an absolute majority, so that findings on the individual effects of both factors will remain tentative to a certain extent

2.5.3 Selection of episodes

From each of the four countries selected for analysis – Estonia, Hungary, Poland and Slovakia – I will select three episodes for in-depth analysis. Once again, the rationale for this specific number is grounded in the desire to strike a balance between sufficient depth of analysis (which would suffer if too many episodes were chosen) and safeguarding against giving idiosyncratic cases too much weight (which could happen if too few are chosen). Furthermore, as each of the selected countries has experienced at least three presidents so far, I will be able to choose one episode per president. While my theoretical framework follows a presidency-centred approach and assumes that there should only be little variation in presidential activism due to individual office holders, this still allows me to assess comparatively whether and to what extent presidential perceptions or personality can add to the understanding and explanation of presidential activism.⁵⁷

The resulting twelve case studies of presidential activism will thus enable me to analyse presidential activism and its determinants in a multitude of constellations in-depth while maintaining a manageable number of cases. Furthermore, such a variety of cases provides a sufficiently broad basis to assess the assumptions of my theoretical framework and the findings of the statistical models more generally. As shown in Table 9, episodes vary greatly in length and sometimes only last a few months or up to four years. For the purpose of my study, both very short and very long episodes make it difficult to gather sufficient data or reach the desired depth of analysis, respectively. Therefore, I will focus my case selection on episodes that last at least eighteen months but do not exceed three years in length. This time period allows for gathering sufficiently specific data as well as maintaining a strong focus on the assessment and analysis of the working mech-

⁵⁷ As this approach only allows for limited comparison of individual presidents' behaviour in different contexts, the conclusions can only be tentative. Nevertheless, as the main aim of the qualitative analysis here is to assess the validity of the statistical model results, proceeding in this way should still be sufficient for pointing out potential problems and providing starting points for further analysis.

anisms behind the use of presidential vetoes. Furthermore, the predictions of the statistical model are more likely to be accurate for longer episodes than for very brief periods. Although necessary for the reasons outlined above, this approach introduces a certain selection bias – particularly regarding shorter episodes which can be assumed to differ more strongly from the ‘ideal length’-episodes outlined above than longer episodes. This is partly controlled for by the fact that the qualitative analysis is still embedded and anchored in the results of the statistical analysis, and that there will still be some variation in episode length within those episodes which will eventually be selected. Therefore, it can be reasonably expected that the exclusion of very short and very long episodes here will not greatly skew the results. Nevertheless, this limitation needs to be acknowledged and differences in presidential activism during shorter and longer episodes should be further explored in subsequent studies.

In line with Lieberman’s (2005) suggestions for model-testing qualitative analysis, I select cases that were comparatively well-predicted by my statistical model. Nevertheless, in order to detect variables that might have been omitted from the model I will also include episodes that are over- or underpredicted by the statistical model (see Rohlfing 2008 and discussion above). Such episodes will particularly be included if they are ‘crucial cases’ and promise to provide unique insights that can help to validate and improve the results of the statistical models, either due to a particular constellation of variables or their representativeness for the use of vetoes under a particular president. Lieberman (2005) explicitly allows for deliberate case selection if the researcher’s existing knowledge of cases and their respective contexts allows for it – as is the case here – and argues that ‘the standard benefits of SNA [Small-N analysis] are much more likely to apply’ under deliberate case selection (Lieberman 2005, 447). The remaining selection bias is minimised by the fact that the qualitative analysis is nested in the results of

the statistical analysis. The data basis for my case selection is the comparison of the actual number of vetoes per episode with the predicted number of vetoes based on the coefficient estimates of my negative binomial model (Chapter 2.3.1).

Episode selection – Estonia

Estonia has experienced three different presidents so far – Lennart Meri, Arnold Rüütel and Toomas Hendrik Ilves – and my period of observations covers several episodes for each presidents. All presidents have used their veto during most episodes although their activism appears to have decreased over time (Table 16).

Lennart Meri. Of the three Estonian presidents, inaugural president Lennart Meri was the only one to serve two terms during my period of observation, whereby his first term was exceptionally shortened as a means to ease transition to democracy (Pettai 2001, 126; see also Chapter 3.1.2). Meri's presidency thus stretches over the largest number of episodes, yet only three episodes meet the length criterion set above. These are *Meri I–Laar I*, *Meri II–Siiman* and *Meri II–Laar II*. The use of vetoes in all three episodes is comparatively well-predicted by the statistical model and while all of them would be suitable for analysis, I will select the *Meri II–Laar II* episode here. First, it is the longest of all three episodes and thus provides the most material for in-depth study. Although *Meri II–Siiman* offers a closer match of actual veto use and model predictions, the government was in the minority during the whole episode – an atypical situation for Estonia and thus less suitable for arriving at more general conclusions. The *Meri I–Laar I* episode would also merit attention due to the exceptionally high level of presidential activism, yet it is too far off from the model to be used for the validation and by capturing the beginning of the first post-communist democratic presidency in Estonia – a point at which several constitutional regulations were not yet sufficiently defined – might

similarly present an atypical case. By analysing Meri’s activism during *Meri II–Laar II*, I will still be able to draw some comparisons with the first time both actors faced each other in office, yet I can also offer a more nuanced picture and set Meri’s activism during his first two years in office in perspective. Finally, *Meri II–Laar II* is particularly interesting for analysis as it covers the second half of Meri’s second term in office. Although my model controlled for the closeness of presidential elections and a decrease in activism was expected, the episode is still slightly overpredicted. Furthermore, Meri issued most of his vetoes in 2001 which likewise requires further explanation and testing whether the causal links assumed in my theoretical framework exist.

Figure 5: Actual number of vetoes and model predictions in Estonia

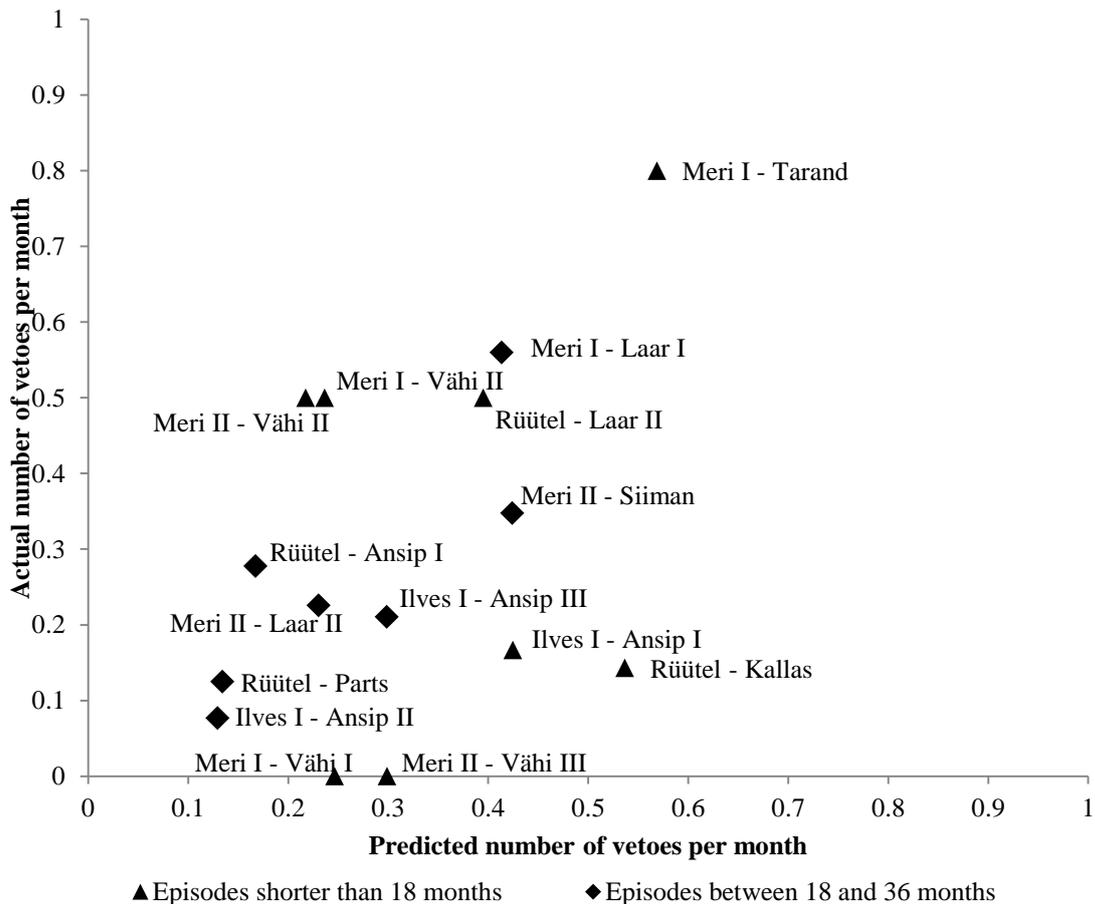


Table 16: President-cabinet episodes in Estonia

President	Prime Minister	Time period	Duration (months)	Total vetoes / vetoes per month	Predicted vetoes / predicted vetoes per month	Ratio (vetoes/predicted)
Lennart Meri I	Mart Laar I	10/1992 – 10/1994	25	14 / 0.56	10.34 / 0.41	1.35
	Andres Tarand	10/1994 – 03/1995	5	4 / 0.80	2.84 / 0.57	1.41
	Tiit Vähi I	04/1995 – 10/1995	7	0 / 0	1.48 / 0.25	–
Lennart Meri II	Tiit Vähi II	11/1995 – 09/1996	11	6 / 0.55	2.84 / 0.24	2.1
	Tiit Vähi II	10/1995 – 11/1996	2	1 / 0.50	0.44 / 0.22	2.3
	Tiit Vähi III	11/1996 – 03/1997	4	1 / 0.25	1.20 / 0.30	0.83
	Mart Siiman	03/1997 – 03/1999	23	9 / 0.39	9.76 / 0.42	0.92
	Mart Laar II	03/1999 – 09/2001	31	6 / 0.19	7.14 / 0.23	0.82
Arnold Rüütel	Mart Laar II	10/2001 – 01/2002	4	2 / 0.50	1.58 / 0.40	1.26
	Siim Kallas	01/2002 – 04/2003	14	2 / 0.14	7.51 / 0.54	0.27
	Juhan Parts	04/2003 – 04/2005	24	3 / 0.13	3.22 / 0.13	0.93
Toomas Hendrik Ilves I	Andrus Ansip I	04/2005 – 10/2006	18	5 / 0.28	3.01 / 0.17	1.66
	Andrus Ansip I	10/2006 – 03/2007	6	1 / 0.17	2.55 / 0.42	0.39
	Andrus Ansip II	03/2007 – 05/2009	26	2 / 0.09	3.37 / 0.13	0.59
Toomas Hendrik Ilves II	Andrus Ansip III	06/2009 – 12/2010	19	4 / 0.21	5.68 / 0.30	0.7

Notes: Interpretation of ratio [actual vetoes/predicted number of vetoes]: ratio < 1 = underprediction, ratio > 1 = overprediction, '–' calculation not possible.

Episode selected for analysis

Arnold Rüütel. Overall, the presidency of president Rüütel consists of four episodes of which the latter two – *Rüütel–Parts* and *Rüütel–Ansip I* – are of sufficient length for analysis. During both episodes, Rüütel’s own party was not only represented in parliament but also participated in the government. As Rüütel’s predecessor Meri was never member of a political party and his successor Ilves cut ties with his party upon inauguration this is a rare constellation for the Estonian case, yet representative of Rüütel’s term in office. Eventually, the *Rüütel–Parts* episode is a better choice for in-depth analysis for several reasons. First, it is slightly longer than *Rüütel–Kallas* and the predictions of the statistical model match Rüütel’s actual use of vetoes very closely, whereas *Rüütel–Ansip I* is considerably underpredicted by the model. Furthermore, the episode covers the middle part of Rüütel’s first and only term in office. The next presidential elections are still sufficiently far away so that it is possible to analyse the factors shaping presidential activism when the re-election motive is still in the background.

Toomas Hendrik Ilves. My period of observation covers only three episodes out of president Ilves’ first term in office (he was re-elected in October 2011). The first episode thereby only covers six months and is too short to serve as the basis of an insightful analysis. The second and third episode – *Ilves I–Ansip II* and *Ilves I–Ansip III*, respectively – are long enough to be analysed (26 and 19 months). Both episodes are overpredicted by the statistical model, yet the difference between predicted and actual vetoes per month is still rather small in both cases. While both episodes are not perfect for detailed analysis given their overprediction, it seems more appropriate here to select the episode *Ilves I–Ansip II* here. It is not only a little longer than *Ilves I–Ansip III* but it also has the advantage that it is a complete episode while the *Ilves I–Ansip III* episode has been artificially ‘cut off’ by my choice of a period of observation. As the regular end of *Ilves I–Ansip III* would have been the general elections in March 2011, a small expan-

sion of this period for analysis would theoretically have been possible. However, because Ilves did not use his veto again after December 2010, the ratio of actual and predicted vetoes would have been similar to *Ilves I–Ansip II* in any case.

Case selection – Hungary

Between 1990 and 2010, Hungary had four different presidents. While the presidencies of the first three – Árpád Göncz, Ferenc Mádl and László Sólyom – are covered in full and will be included in my analysis, president Pál Schmitt’s tenure during my period of observation is unfortunately too short to analyse it as part of this study.

Árpád Göncz. The activism of Árpád Göncz is an outlier both within Hungary and in the whole of Central and Eastern Europe. Göncz engaged in a number of conflicts with parliament and government over the use of his powers in such varied issues as the use of the military to break up a strike and the appointment of the heads of public broadcasting (O’Neill 1997), and sent a number of bills to the Constitutional Court for review. Nevertheless, during his ten years in office he used his veto power only twice, both times during the *Göncz II–Horn* episode. While the episode is not as overpredicted by the statistical model as other episodes in Hungary, it is still a clear outlier. Irrespective of these limitations, *Göncz II–Horn* is the only episode during Göncz presidency that allows for model-testing analysis and the assessment of factors that caused his use of vetoes. Fortunately, the episode covers a period of three years and thus also allows for identifying the factors that determined Göncz’ use of vetoes in this particular instance and those that prevented further activism on other occasions.

Ferenc Mádl. President Mádl’s presidency consists of only three episodes, whereby *Mádl–Orbán I* and *Mádl–Medgyessy* are both longer than 18 months and thus particularly suitable for analysis. During both episodes, president Mádl used his veto sig-

nificantly less frequently than predicted by the statistical model. This is less surprising for *Mádl–Orbán I* as Mádl had just been elected by the government majority and the overprediction thus likely represents an exceptionally strong effect of the consensus between president and cabinet. Yet during *Mádl–Medgyessy* president and government were in cohabitation and the government struggled to maintain coherence, so the overprediction of the model with regard to Mádl's veto use is rather unexpected. Therefore, it appears more promising to select the *Mádl–Medgyessy* episode for analysis here. It not only covers a somewhat longer time period but Mádl also used his veto more frequently and the episode thus allow for a better analysis of the effect of explanatory factors. Similar to the case of Árpád Göncz, the focus of the analysis will be to understand the specific factors that caused the vetoes and why they did not increase activism in general.

László Sólyom. László Sólyom was the most active president Hungarian president to date and used his veto power more frequently than both of his predecessors combined. His presidency consists of five, relatively short episodes of which *Sólyom–Gyurcsány II* and *Sólyom–Bajnai* are the longest (23 and 13 months, respectively). *Sólyom–Bajnai* would theoretically be too short according to my selection criteria. Nevertheless, as the episodes selected for presidents Göncz and Mádl were significantly overpredicted, the fact that the statistical model only predicted half the number of Sólyom's veto would justify a deviation from this criterion. Nevertheless, Bajnai's cabinet was a largely technical rather than political government and therefore represents an atypical case from which it is hard to draw inferences. *Sólyom–Gyurcsány II* is the longer episode and more suited for analysis here. The prediction of the statistical model for this episode provides one of the closest matches with the actual number of vetoes in Hungary and thus allows for a purer model-testing approach.

Figure 6: Actual number of vetoes and model predictions in Hungary

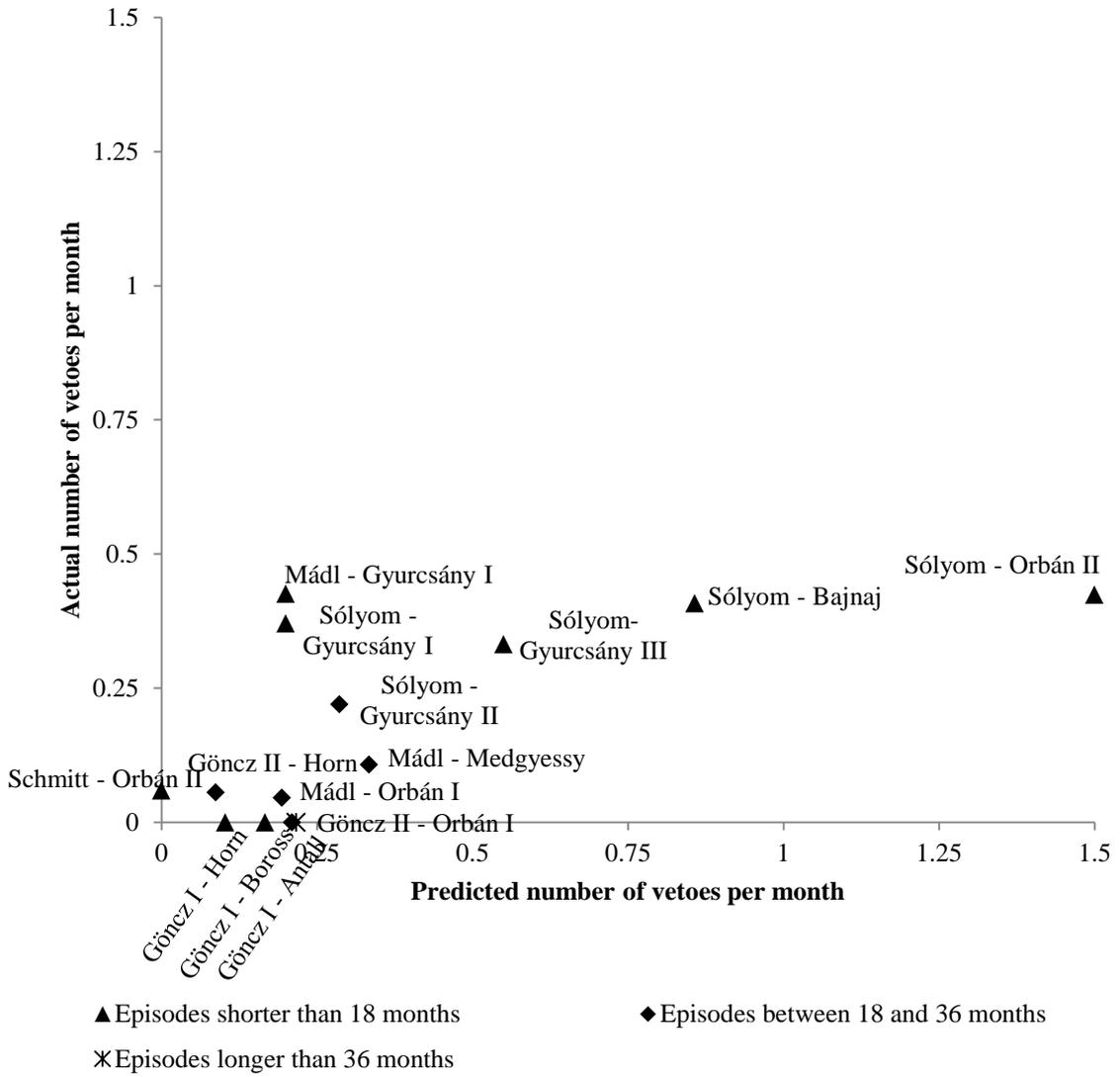


Table 17 : President-cabinet episodes in Hungary

President	Prime Minister	Time period	Duration (months)	Total vetoes / vetoes per month	Predicted vetoes / predicted vetoes per month	Ratio (vetoes/predicted)
Árpád Göncz I	József Antall	08/1990 – 12/1993	41	0 / 0	8.88 / 0.22	–
	Péter Boross	12/1993 – 07/1994	7	0 / 0	1.17 / 0.17	–
	Gyula Horn	07/1994 – 06/1995	11	0 / 0	1.13 / 0.10	–
Árpád Göncz II	Gyula Horn	06/1995 – 07/1998	36	2 / 0.06	3.14 / 0.09	0.64
	Victor Orbán I	07/1998 – 08/2000	25	0 / 0	5.24 / 0.21	–
Ferenc Mádl	Victor Orbán I	08/2000 – 05/2002	22	1 / 0.05	4.26 / 0.19	0.23
	Péter Medgyessy	05/2002 – 09/2004	28	3 / 0.11	9.35 / 0.33	0.32
	Ferenc Gyurcsány I	09/2004 – 08/2005	10	2 / 0.20	4.26 / 0.43	0.47
László Sólyom	Ferenc Gyurcsány I	08/2005 – 06/2006	10	2 / 0.19	3.70 / 0.37	0.54
	Ferenc Gyurcsány II	06/2006 – 04/2008	23	5 / 0.22	6.58 / 0.29	0.77
	Ferenc Gyurcsány III	05/2008 – 04/2009	11	8 / 0.72	3.65 / 0.33	1.66
	Gordon Bajnai	04/2009 – 05/2010	13	14 / 1.08	5.72 / 0.41	2.09
	Viktor Orbán II	05/2010 – 08/2010	2	3 / 1.50	0.85 / 0.42	3.54
Pál Schmitt	Viktor Orbán II	08/2010 – 12/2010	5	0 / 0	0.29 / 0.06	–

Notes: Interpretation of ratio [actual vetoes/predicted number of vetoes]: ratio <1 = underprediction, ratio >1 = overprediction; ‘–’ calculation not possible.

■ Episode selected for analysis

Episode selection – Poland

Similar to Hungary Poland has had four different presidents so far, yet as my period of observation only covers five months of the term of current president Bronisław Komorowski I will only include the first three in my analysis.

Lech Wałęsa. All episodes during Lech Wałęsa's presidency are relative short and the two longest episodes *Wałęsa–Suchocka* and *Wałęsa–Pawlak II* – only reach 16 months in length. While the first episode during Wałęsa's term, *Wałęsa–Bielecki*, also still lasted a year, it is not very well suited for analysis as the Sejm was not yet democratically elected during this time (65% of the seats were reserved for parties of the old regime; Ziemer and Matthes 2010, 240). Overall, the *Wałęsa–Pawlak II* episode presents the best basis for analysis in the framework of my study. In contrast to *Wałęsa–Suchocka*, the predictions of the statistical model match the actual use of vetoes by Wałęsa very closely and his activism is also almost midway between his most active and least active episodes. Furthermore, Pawlak II was the first government to be formed under the so-called 'Small Constitution', an interim constitution that contained a number of ambiguous stipulations, so that the analysis of the *Wałęsa–Pawlak II* episode allows for assessing whether and how this change influenced presidential activism.

Aleksander Kwaśniewski. Aleksander Kwaśniewski is the only Polish president to date who served two terms in office, both of which are covered by my period of observation. Due to frequent cabinet changes Kwaśniewski's presidency consists of ten different episodes, half of which are shorter than a year and thus provide no sufficient basis for analysing presidential activism in depth and for tracking legislation over time. Therefore, the episodes *Kwaśniewski I–Cimoszewicz*, *Kwaśniewski I–Buzek I* and *Kwaśniewski II–Belka II* present the most promising episodes here. However, the government during *Kwaśniewski II–Belka II* can – similar to *Sólyóm–Bajnaj* in Hungary be

classified as a cabinet of experts rather than a political government and an analysis of activism would therefore not be likely to provide generalizable results. Of the remaining two episodes, I will select *Kwaśniewski I–Buzek I* for in-depth study as it promises to provide more valuable insights with regard to potential model misspecification. Kwaśniewski and Cimoszewicz were both from the same party and president and government thus in unified relations. The fact that Kwaśniewski used his veto power less often is thus not as surprising as in the case of the first Buzek cabinet. Kwaśniewski was in cohabitation with the Buzek government, yet still used his power only infrequently. Furthermore, the first Buzek cabinet was the first government to be formed under new constitution of 1997 and thus provides a point of comparison for the analysis of the *Wałęsa–Pawlak II* episode selected above.

Lech Kaczyński. The term of Lech Kaczyński consists of five episodes overall but only the *Kaczyński–Tusk* episode is sufficiently long to be analysed as part of this study and there is no alternative to selecting it. Fortunately, Kaczyński used almost all of the vetoes during his term in this episode (16 out of 17) and it belongs to one of the best predicted episodes in the four countries. Just as the other two episodes selected above it starts after parliamentary elections. While this together with the fact that all presidents were in office for at least two years ensures a certain degree of comparability between the episodes selected for Poland, a selection bias is controlled for by the fact that the qualitative analysis is embedded in the results of the statistical analysis and there are sufficient points of comparison in the other countries.

Figure 7: Actual number of vetoes and model predictions in Poland

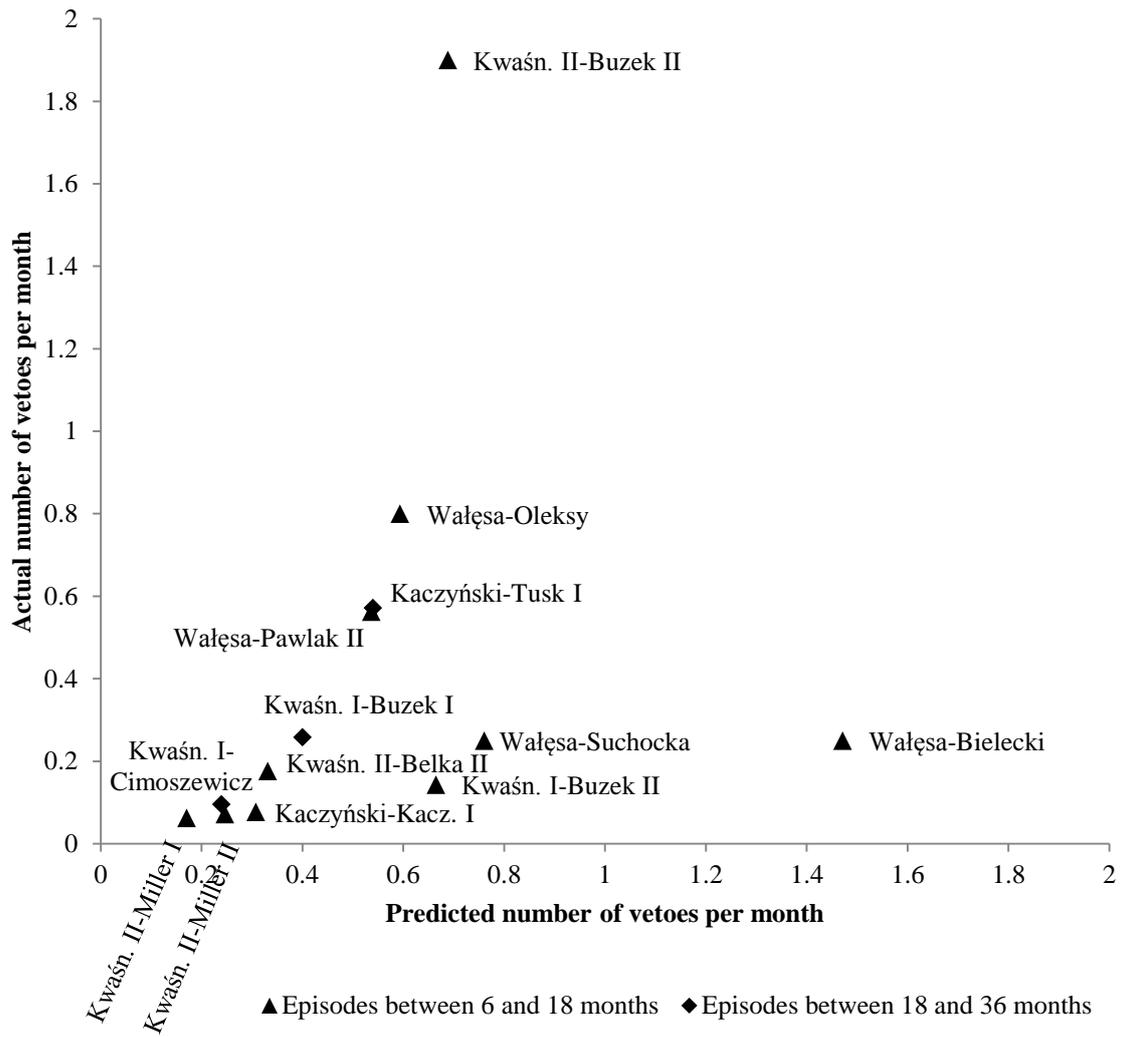


Table 18: President-cabinet episodes in Poland

President	Prime Minister	Time period	Duration (months)	Total vetoes / vetoes per month	Predicted vetoes / predicted vetoes per month	Ratio (vetoes/predicted)
Lech Wałęsa	Jan Bielecki	01/1991 – 12/1991	12	3 / 0.25	17.66 / 1.47	0.17
	Jan Olszewski	12/1991 – 05/1992	5	0 / 0	3.41 / 0.68	–
	Waldemar Pawlak I	06/1992	1	0 / 0	1.07 / 1.07	–
	Hanna Suchocka	07/1992 – 10/1993	16	4 / 0.25	12.18 / 0.76	0.33
	Waldemar Pawlak II	10/1993 – 03/1995	16	9 / 0.56	8.60 / 0.54	1.05
	Józef Oleksy	03/1995 – 12/1995	10	8 / 0.8	5.94 / 0.59	1.35
Aleksander Kwaśniewski I	Józef Oleksy	12/1995 – 01/1996	1	0 / 0	0.18 / 0.18	–
	Włodzimierz Cimoszewicz	02/1996 – 10/1997	21	2 / 0.10	5.03 / 0.24	0.4
	Jerzy Buzek I	10/1997 – 06/2000	31	8 / 0.26	12.41 / 0.40	0.65
	Jerzy Buzek II	06/2000 – 12/2000	7	1 / 0.14	4.66 / 0.67	0.21

(Table continued on next page)

Notes: Interpretation of ratio [actual vetoes/predicted number of vetoes]: ratio <1 = underprediction, ratio >1 = overprediction, ratio = 1 = calculation not possible.
 ■ Episode selected for analysis

Table 18: *President-cabinet episodes in Poland (continued)*

President	Prime Minister	Time period	Duration (months)	Total vetoes / vetoes per month	Predicted vetoes / predicted vetoes per month	Ratio (vetoes/predicted)
Aleksander Kwaśniewski II	Jerzy Buzek II	12/2000 – 10/2001	10	19 / 1.90	6.89 / 0.69	2.77
	Leszek Miller I	10/2001 – 02/2003	16	1 / 0.06	2.73 / 0.17	0.37
	Leszek Miller II	03/2003 – 05/2004	14	1 / 0.07	3.45 / 0.25	0.29
	Marek Belka I	05/2004 – 06/2004	1	0 / 0	0.30 / 0.30	–
	Marek Belka II	06/2004 – 10/2005	17	3 / 0.18	5.64 / 0.33	0.53
	Kazimierz Marcinkiewicz I	10/2005 – 12/2005	2	0 / 0	0.74 / 0.37	–
	Kazimierz Marcinkiewicz I	12/2005 – 05/2006	5	0 / 0	1.73 / 0.35	–
Lech Kaczyński	Kazimierz Marcinkiewicz II	05/2006 – 07/2006	2	0 / 0	0.63 / 0.31	–
	Jarosław Kaczyński I	07/2006 – 09/2007	13	1 / 0.08	4.00 / 0.31	0.25
	Jarosław Kaczyński II	09/2007 – 11/2007	3	0 / 0	1.23 / 0.41	–
	Donald Tusk I	11/2007 – 04/2010	28	16 / 0.57	15.13 / 0.54	1.06
B. Komorowski (acting)	Donald Tusk I	04/2010 – 07/2010	3	0 / 0	–	–
G. Schetyna (acting)	Donald Tusk I	07/2010 – 08/2010	1	0 / 0	–	–
Bronisław Komorowski	Donald Tusk I	08/2010 – 12/2010	5	0 / 0	1.50 / 0.30	–

Notes: Interpretation of ratio [actual vetoes/predicted number of vetoes]: ratio <1 = underprediction, ratio >1 = overprediction, ‘–’ calculation not possible/acting president. Episode selected for analysis

Table 19: President-cabinet episodes in Slovakia

President	Prime Minister	Time period	Duration (months)	Total vetoes / vetoes per month	Predicted vetoes/ predicted vetoes per month	Ratio (vetoes/predicted)
Michal Kováč	Vladimír Mečiar I	03/1993 – 04/1994	14	2 / 0.14	4.77 / 0.34	0.42
	Jozef Moravčík	04/1994 – 12/1994	7	0 / 0	2.90 / 0.41	0
	Vladimír Mečiar II	12/1994 – 03/1998	39	23 / 0.59	10.80 / 0.26	2.13
Mečiar/Gašparovič (acting)	Vladimír Mečiar II	03/1998 – 10/1998	8	1 / 0.13	–	–
Dzurinda/Migas (acting)	Mikulaš Dzurinda I	11/1998 – 06/1999	7	1 / 0.14	–	–
Rudolf Schuster	Mikulaš Dzurinda I	06/1999 – 10/2002	40	70 / 1.75	30.58 / 0.76	2.39
	Mikulaš Dzurinda II	10/2002 – 06/2004	20	30 / 1.50	13.81 / 0.69	2.10
Ivan Gašparovič I	Mikulaš Dzurinda II	06/2004 – 02/2006	20	28 / 1.40	10.00 / 0.50	2.8
	Mikulaš Dzurinda III	02/2006 – 07/2006	5	3 / 0.60	3.57 / 0.71	0.84
	Robert Fico I	07/2006 – 06/2009	35	18 / 0.51	23.9 / 0.68	0.75
Ivan Gašparovič II	Robert Fico I	06/2009 – 07/2010	13	10 / 1.30	7.97 / 0.61	1.26
	Iveta Radičová	07/2010 – 12/2010	6	5 / 0.83	2.89 / 0.48	1.73

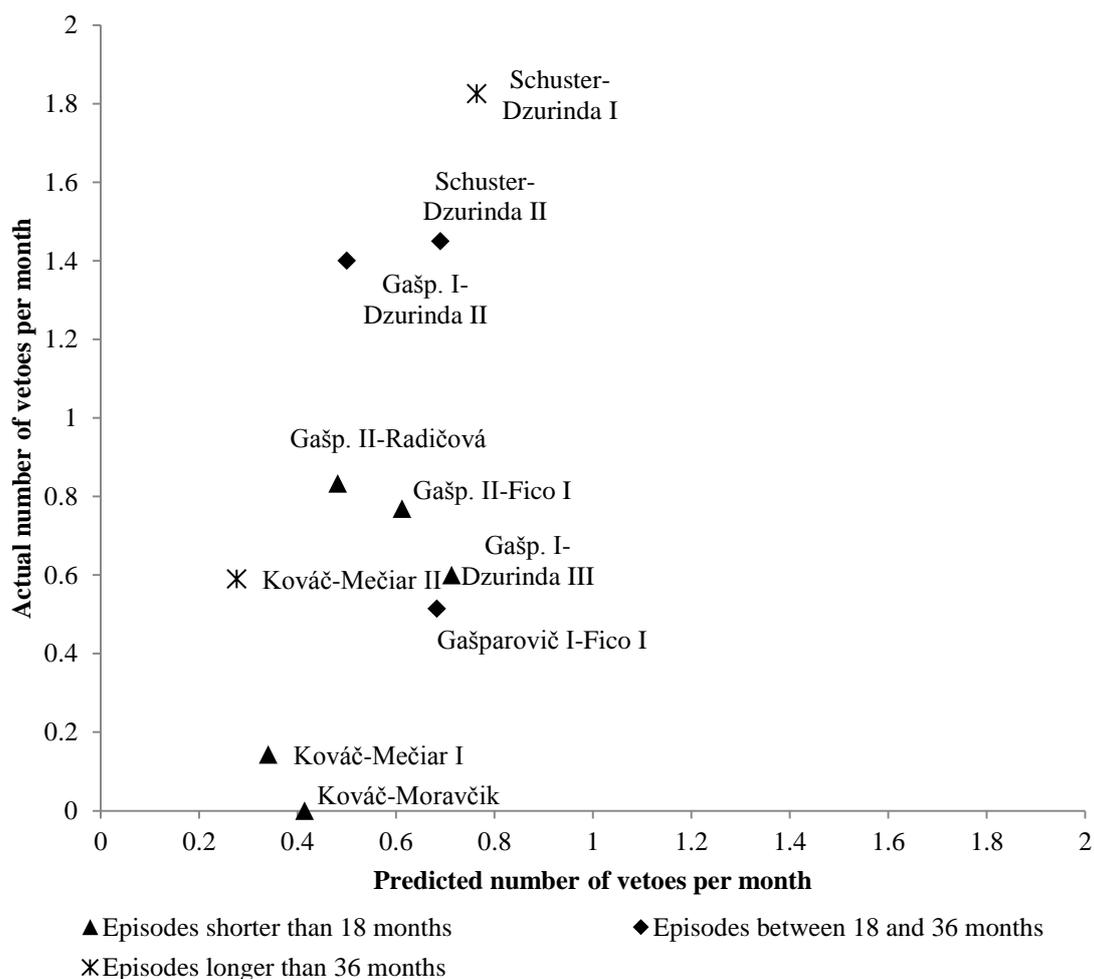
Notes: Interpretation of ratio [actual vetoes/predicted number of vetoes]: ratio <1 = underprediction, ratio >1 = overprediction; ‘–’ calculation not possible/acting president. Episode selected for analysis

Case selection – Slovakia

Similarly to Estonia, Slovakia has seen three presidents since it became an independent state in 1993. Thereby, only the first president, Michal Kováč, was elected indirectly by parliament while his successors – Rudolf Schuster and Ivan Gašparovič – were elected by popular vote. Until the Czech Republic changed the mode of presidential election in the same way in 2013, Slovakia was the only country in Central and Eastern Europe to have done so.

Michal Kováč. The presidency of the first and only indirectly elected president Michal Kováč consists of only three episodes, whereby the first episode (*Kováč–Mečiar I*) and the third episode (*Kováč–Mečiar II*) are particularly interesting and the only episodes in which Kováč used his veto; the episode *Kováč–Moravčík* would also have too short to sensibly analysed. Both *Kováč–Mečiar I* and *Kováč–Mečiar II* do not fit my selection criteria very well as they are slightly too short and too long, respectively. While *Kováč–Mečiar II* is somewhat better predicted by the model and I have otherwise rather preferred longer over shorter episodes, it is in this case better to select the shorter and less well-predicted *Kováč–Mečiar I* episode. Several authors have highlighted the shortcomings of Slovak democracy during *Kováč–Mečiar II* due to the autocratic governing style of Prime Minister Vladimír Mečiar (Goldmann 1999; Henderson 2002; Malová/Rybář 2008). *Kováč–Mečiar I* on the other hand can still be entirely classified as representing the politics of an indirectly elected president under ‘normal’ democratic conditions. This allows not only for generalising from its findings but also for comparing Kováč’s activism to presidential activism in Estonia and Hungary. Furthermore, as there is significantly more literature on the period from 1994 to 1998, the selection of the *Kováč–Mečiar I* is also more valuable in terms of the generation of new knowledge.

Figure 8: Actual number of vetoes and model predictions in Slovakia



Rudolf Schuster. The selection of an episode for Slovakia’s first directly elected president, Rudolf Schuster, is more straightforward in so far as the choice is even more limited. His first and only term consists of only two episodes – *Schuster–Dzurinda I* and *Schuster–Dzurinda II* – during which he faced two different cabinets under the leadership of Prime Minister Mikulaš Dzurinda. Both episodes belong to the most active in the whole data set and the number of vetoes used by Schuster significantly exceeds the predictions of the statistical model. For in-depth analysis, I will select the *Schuster–Dzurinda II* episode. Not only is it significantly shorter and thus fits my previously established selection criteria, it also provides a better basis for generalizable conclusions. The episode *Schuster–Dzurinda I* was still characterised by the constitutional changes introduced in 1999 and 2000 (Malová/Rybář 2008) whereas the following episode ra-

ther shows the working of the system under ‘normal’ conditions. Finally, *Schuster–Dzurinda II* still contains 30 vetoes and thus allows for assessing which factors were responsible for Schuster’s exceptionally high levels of activism.

Ivan Gašparovič. My period of observation covers five episodes of president Ivan Gašparovič’ term in office. Unfortunately, only two episodes – *Gašparovič I–Dzurinda II* and *Gašparovič I–Fico* – are of sufficient length to be analysed as part of my study. The episode *Gašparovič I–Dzurinda II* would provide an interesting case as it would allow for comparison between the activism of presidents Schuster and Gašparovič during the tenure of the same Prime Minister. Nevertheless, I will choose the episode *Gašparovič I–Fico* for analysis. As the episodes selected for president Kováč and Schuster are both significantly over- or underpredicted, respectively, it is necessary to select an episode here for which the number of vetoes was relatively well-predicted by the statistical model to be able to assess whether the working mechanisms assumed by my theoretical framework actually exist in practice.

2.6 Conclusion

In this chapter I have presented the first statistical, cross-country analysis of the actual use of presidential powers in parliamentary and semi-presidential systems to date. Based on an original data set I have tested eight hypotheses on presidential activism using descriptive statistics, event count regression models and event history analysis. Overall, the results with regard to presidential vetoes were most robust and confirmed the majority of my hypotheses. Most prominently, it showed that popularly elected presidents use their veto power more often than their indirectly elected counterparts.⁵⁸ In

⁵⁸ Nevertheless, it was unfortunately not possible to directly control for the veto override threshold (which was highly correlated with the mode of election), so that this relationship requires further investigation in the qualitative analysis.

case of presidential requests for judicial review and legislative initiatives, the results were not as conclusive, yet still confirmed some of my hypotheses. The fact that the former are only very rarely used and evidence on the latter stemmed from only four countries also created some difficulties in applying the statistical models.

The subsequent qualitative analysis will focus on the use of presidential vetoes. Their use was not only best explained by the different models, but vetoes are also the most prominent and frequently used presidential power, thus representing a key aspect of presidential activity. As their empirical analysis also confirmed the majority of my hypotheses, they provide a suitable basis to engage in ‘model-testing’ analysis which will help to further validate the quantitative findings and explore additional or alternative explanations of presidential activism. For this purpose, I have chosen 12 episodes of president-cabinet pairings for in-depth analysis using a two-step process. First, I selected four countries – Estonia, Hungary, Poland, and Slovakia – as representatives of most different political systems (two directly and two directly elected presidents; two powerful and two weak presidents). In the second step, three episodes per country (one per office-holder) were selected based on the predictions of the negative binomial model of presidential vetoes. Thereby, a mix of well-predicted episodes and episodes where veto use did not match the model predictions was chosen. While the choices of specific cases for analysis invariably raised some concerns over potential selection bias, the great variety of cases chosen and the nesting of their qualitative study within the results of the statistical analysis will help to minimize the effects of potential bias. Thus, the eventual selection can not only be expected to enable me to confirm the links between variables in the model but should also help me to identify potential additional variables and problems with the model specification.

PART II:
PRESIDENTIAL ACTIVISM IN PRACTICE

3

PRESIDENTIAL ACTIVISM IN ESTONIA AND POLAND

Presidents in Central and Eastern Europe use their powers in clearly distinguishable patterns. The statistical analysis has shown that presidents use their veto particularly more frequently when they are directly elected, are in cohabitation with the government and when the government's seat share is small. Nevertheless, it still stands to reason to what extent these general patterns are a true representation of the actual use of presidential powers and its determinants in practice. The second part of this study deals exactly with this question. It implements the second step of the nested analysis approach (Lieberman 2005) and is thus aimed at the generation of in-depth knowledge that allows for critically assessing and validating the results of the statistical analysis. Given that not all factors could be included in the statistical models and hypotheses with regard to presidential activism in government formation, censure, and dismissal could not be tested due to the lack of appropriate data, this step becomes even more relevant. It allows for including additional variables and assessing different aspects of presidential activism, thereby laying the foundation for drawing strong and reliable conclusions.

In this and the following chapter I will use qualitative case studies to analyse the working mechanisms behind presidential activism in depth. My analysis will thereby build on my findings with regard to presidential vetoes which largely confirmed the expectations of my theoretical model. Hence, I will follow the logic of 'model-testing' analysis which is aimed at validating the results of the statistical model by tracing the assumed causal relationships between variables and demonstrating 'that in the absence of a particular cause, it would have been difficult to imagine the observed outcome'

(Lieberman 2005, 442). Following this logic, the analysis will be structured around specific presidential vetoes which were chosen for their overall significance, both in relation to the results of my elite interviews and in comparison with similar, non-vetoed legislation. Where possible examples of comparable or other bills which were not returned by the president will also be discussed in the analysis. While Lieberman (2005) argues that the model-testing qualitative analysis should be confined to those variables that were already included in the statistical model, I will still take Rohlfing's (2008) suggestion into account and broaden the scope of the analysis by also exploring other factors that could have influenced presidential activism.

The analysis will thereby be focussed on twelve episodes of president-cabinet pairings in Estonia, Hungary, Poland and Slovakia which were selected based on their conformity with the predictions of the statistical model and/or promise to provide valuable insights beyond the variables included in my theoretical framework. The variation within this sample as well as its size – allowing for analysing mechanisms in depth while simultaneously safeguarding against spurious inferences based on idiosyncratic cases – will thereby enable me to draw strong conclusions. While the analysis of presidential veto use is confined to these episodes to achieve a sufficient depth of analysis⁵⁹, the use of presidential powers in government formation, censure, and dismissal is assessed on a country-basis. Given that not all episodes cover presidents' use of non-legislative powers, this is necessary to achieve a sufficient number of observations and achieve reliable results.

The analysis will start with a brief overview of the presidencies in the four case study countries – their creation, powers, and the development of political practices over time – to provide sufficient context for the following in-depth analysis. I will then proceed by

⁵⁹ Nevertheless, where appropriate some comparison to preceding and subsequent episodes will be made.

analysing the use of presidential vetoes and presidential involvement in government formation, censure and dismissal in two ‘most different’ country pairs. As outlined above, this approach allows for assessing and contrasting the effects of variables under very different conditions. This not only allows for stronger conclusions if the same effects of independent variables are found in two very different systems but it also promises to produce results that can contribute to the critical assessment of the more general theoretical framework proposed in this study. Albeit valuable, insights from the comparison of two similar cases within a sample that already shares a number of similarities might be too particular to do so. Nevertheless, the results of this study will still be subject to a final comparative assessment (chapter 5) which combines insights from all four countries, so that potential differences between more similar cases can still be highlighted and discussed.

In this chapter, I will examine presidential activism in Estonia (weak & indirectly elected president) and Poland (strong & directly elected president). In the following chapter, I then turn to presidential activism in Hungary (strong & indirectly elected president) and Slovakia (weak & directly elected president). As presidents in Slovakia have only been elected by popular vote since 1999, I will also analyse the activism of inaugural president Michal Kováč and assess whether changing the mode of election had an impact on presidential activism. Overall, the qualitative case studies confirm the working mechanisms of the variables included in the statistical models and demonstrate that the associations found in the statistical analysis are more than just correlation. Nevertheless, the analysis also highlights some difficulties with coding and suggests a number of additional explanatory factors for presidential activism which will be discussed in the third part of this thesis.

3.1 Overview: Presidents, their powers and political developments in Estonia, Hungary, Poland and Slovakia

The four case study countries have been chosen for their diversity in terms of the mode of presidential election and presidents' constitutional powers. While the four countries faced similar obstacles in developing a political practice with regard to the presidency, there are also some important country-specific developments. In order to aid the understanding of the in-depth case studies in this and the following chapter it is necessary to provide some more contextual information on the political developments in each country as well as the particular stipulations guiding the use of presidential powers. For this purpose, this section provides an overview of the creation of the presidencies and their constitutional role as well as the most important political conflicts and constitutional changes that led up to today's political practice.

3.1.1 Creating the presidential office

Following the fall of Communism, all four countries were faced with the challenge of designing a new political system. Hereby, Estonia and Slovakia adopted new constitutions (Pettai 2001; Malová 2001), whereas Hungary and Poland opted for amendments to the communist constitutions. Poland then first passed an interim document on the relationship between parliament, president and government in 1992 – the 'Small Constitution' – and an entirely new constitution in 1997 (Wyrzykowski 2001). Hungary on the other hand continued to use the heavily amended communist constitution until 2011 (Szikinger 2001; Várnagy 2012). Except for Slovakia, where the break-up of Czechoslovakia required the quick adoption of a new constitution and the role of the president was not given much thought (Malová 2001), the creation of the presidency was a major point of contention and political debate in all countries.

The greatest conflict took place in Hungary where the Socialist Workers Party pushed for a strong, directly elected presidency they hoped to fill by with a popular ‘reformed’ candidate as a means to hold on to power (Körösényi 1999, 276).⁶⁰ After the parties of the democratic opposition were at first divided over the issue (Dieringer 2009, 163ff), they eventually decided to postpone presidential elections until after a new and democratic parliament had been elected. After their election victory the constitution was then amended to allow for an indirect election of the president; however, the presidents’ wide range of powers – a remnant of the Communists’ proposals – was not curtailed (Szikinger 2001, 412f; O’Neill 1997, 205f).

In Estonia, the constitutional assembly was likewise divided over the issue of presidential powers and the mode of election (Pettai 2001; Annus 2004). Most constitutional drafts favoured a more presidential system, but deputies eventually chose a strongly parliamentary draft as the basis for a new constitution (Taagepaera 1993, 223). Nevertheless, the public clearly favoured a popularly elected head of state, so that the first round of presidential election in October 1992 was exceptionally held by popular vote. Parliament then elected the president from the two frontrunners (Pettai 2001, 132).

Poland initially amended its 1952 Communist constitution and, as part of a compromise reached during the roundtable talks in 1989, established an indirectly elected and powerful presidency with Communist leader General Jaruzelski as its first incumbent (Jasiewicz 1997, 131f). Popular and democratic presidential elections were only introduced a year later after Lech Wałęsa, leader of the Solidarity trade union, called for Jaruzelski’s removal. Prime Minister Mazowiecki (himself a Solidarity representative) believed he would rather be able to defeat Wałęsa in a popular contest and therefore proposed direct presidential elections. After Jaruzelski agreed to have his term in office

⁶⁰ Interestingly, in other CEE countries the democratic opposition pressed for direct elections as their candidates had higher chances of winning the election (O’Neill 1997, 199).

shortened, the first popular presidential elections were held in November 1990 (Jasiewicz 1997, 132f; McMEnamin 2008, 121).

3.1.2 Presidential elections and term limits

The rules for popular presidential elections in Poland and Slovakia mirror systems used across the world. In the first round of elections an absolute majority of votes is needed to win; if no candidate reaches the required majority the two frontrunners proceed into the second round. Whichever candidate receives the largest number of votes in the second round is elected president. Until now, first-placed candidates in the first round usually won the second round as well; only Aleksander Kwaśniewski has been elected in the first round (albeit only for his second term). Presidents in both countries are elected for a term of five years.⁶¹

Table 20: Results of direct presidential elections in Poland and Slovakia, 1990-2010

President	In office	1 st round	2 nd round
Poland			
Lech Wałęsa	12/1900 – 12/1995	40.0%	74.3%
Aleksander Kwaśniewski	12/1995 – 12/2000	35.1%	51.7%
	12/2000 – 12/2005	53.9%	-
Lech Kaczyński	12/2005 – 04/2010	33.1% *	54.0%
Slovakia			
Rudolf Schuster	06/1999 – 06/2004	47.4%	57.2%
Ivan Gašparovič	06/2004 – 06/2009	22.3% *	59.9%
	06/2009 – present	46.7%	55.5%

Notes: * Runner-up in first round.

Source: Malová and Učeň (2000), Učeň (2005); Malová and Učeň (2010); Jasiewicz (1997); Jasiewicz and Jasiewicz-Betkiewicz (2001; 2006).

Stipulations on the indirect election of presidents in Estonia, Hungary and Slovakia (1993-1998) show greater diversity. In Estonia, an absolute two-thirds majority is needed to elect a president in parliament. If after three rounds of voting no candidates re-

⁶¹ In Poland, presidents can only serve two terms at any point (Art. 127 II Polish Constitution), whereas Slovak presidents are only restricted to two consecutive terms and could thus theoretically seek re-election after a break (Art 103 II Slovak Constitution [2001]).

ceives the required number of votes, the election is transferred to an electoral college consisting of the 101 deputies of the Riigikogu (parliament) and representatives of municipal councils (§79 Estonian Constitution).⁶² The two candidates with the most votes are automatically nominated, yet the college can also nominate further candidates. An absolute majority of votes is needed to be elected by the college, yet should none of the candidates reach the required majority, the election is transferred back to parliament (§§20-28 President of the Republic Election Act). As mentioned above, these rules did not apply to the first presidential elections in October 1992 (Pettai 2001, 132).

In Hungary, a majority of two thirds of the members of parliament is required to elect a president in the first two rounds of voting. In the third and final round, a simple majority is sufficient (Art 29B Hungarian Constitution [1989]). Until 1999, the Slovak Constitution stipulated that an absolute three-fifths majority was necessary to elect the president. While there was no limit to the number of rounds, the necessary majority did also not decrease and new nominations were possible at any point (Art 101 Slovak Constitution [1992]). After parliament failed to elect a successor for inaugural president Michal Kováč in 1998, the regulations were changed to allow for popular elections (Malová and Rybář 2008, 183-184). Finally, all presidents are elected for a term of five years⁶³; yet the first term of Estonia's inaugural president Lennart Meri was exceptionally shortened to four years to facilitate the transition into the new political system (Pettai 2001, 126).⁶⁴

⁶² In the past, municipal councils have sent 273 (1995), 265 (2001), and 244 (2006) representatives (Lagerspetz and Meier 2010, 84).

⁶³ Estonian presidents are limited to two consecutive terms (§80 Estonian Constitution), while Hungarian presidents can only serve two terms at any time (Art. 29A Hungarian Constitution).

⁶⁴ The first term of parliament was likewise shortened from four to three years.

Table 21: Results of indirect presidential elections in Estonia, Hungary and Slovakia, 1990-2010

President	In office	Parliament			Electoral college	
		1 st round	2 nd round	3 rd round	4 th round	5 th round
Estonia						
Lennart Meri	10/1992 – 10/1996	29.5% ^{a)}	58% ^{a)}	n/a	n/a	n/a
	10/1996 – 10/2001	44.50%	48.50%	51.40%	37.20%	52.40%
Arnold Rüütel	10/2001 – 10/2006	- ^{b)}	- ^{b)}	- ^{b)}	31.10%	50.81%
Toomas Hendrik Ilves	10/2006 – present	- ^{c)}	63.40%	63.40%	50.40%	-
Hungary						
Árpád Göncz	08/1990 – 08/1995	76.40%	-	-	n/a	n/a
	08/1995 – 08/2000	67.10%	-	-	n/a	n/a
Ferenc Mádl	08/2000 – 08/2005	65.00%	61.70%	62.00%	n/a	n/a
Lászlo Sólyom	08/2005 – 08/2010	3.40%	47.90%	50.30%	n/a	n/a
Slovakia						
Michal Kováč	03/1993 – 03/1998	- ^{d)}	- ^{d)}	70.60%	n/a	n/a

Notes: The percentages shown are relative to the respective base value stipulated by the constitution (i.e. members of parliament or number of votes cast). Majority needed for election: Estonia – 2/3 of deputies during voting in parliament; 1/2 of votes in electoral college; Hungary – 2/3 of deputies in the first two rounds; 1/2 votes in the third round; Slovakia – 3/5 of deputies in any round.

a) The first round was exceptionally held as a popular vote, the second round was held in parliament between the two front-runners Meri and Rüütel, whereby the winner only needed a relative majority; b) Rüütel did not compete in the first rounds in parliament and was only nominated in the electoral college; c) Ilves was only nominated for the second round of voting in parliament; d) Kováč did not participate in the first two rounds of voting in parliament.

Sources: Körösnéyi et al. (2009, 109); Lagerspetz and Maier (2010, 84); Várnagy (2011, 996); Official Website of the Hungarian parliament at www.parliament.hu; Kováč (2012, 79-80).

3.1.3 Presidential powers

The Estonian and Slovak presidents are typically classified as comparatively ‘weak’, whereas the presidents of Poland and Hungary have been vested with a wider range of formal powers. In the following, I describe the stipulations on the use of presidents’ reactive powers – the focus of the following in-depth analysis – in more detail.

Reactive legislative powers

Each of the four presidents has the right to return legislation to parliament; however, regulations on this differ from country to country. With a few exceptions, presidents can return any bill to parliament and they can theoretically do so for any reason. Until 1999, the Slovak president was also obligated to return a bill to parliament if the government demanded it (Art 87 IV Slovak Constitution [1992]), yet such vetoes did not constitute a discretionary action of the president and thus cannot be described as presidential activism (see also Appendix A4.3). Apart from this, the largest differences between countries are a) the available time frame, b) potential responses by the legislature, and c) the majority needed to override a veto. Presidents have at least two weeks to either sign or return a bill; except for Slovakia, this period starts after the receipt of the bill by the president.⁶⁵ In both Poland and Hungary, bills can be declared as ‘urgent’ by the government which reduces the time limit to seven (Poland) or five days (Hungary). After a veto, parliaments in Estonia, Hungary and Slovakia can drop the bill, attempt to override the veto or amend it and incorporate presidential suggestions for amendments. In Poland, the latter is not possible. Poland also deviates with regard to the override threshold. While a simple or absolute majority is needed in the other countries (although higher override majorities are necessary if the original bill also required a higher thresh-

⁶⁵ This is relevant because in 1995-1998 the Slovak parliament repeatedly only delivered official version of bills to the president for signature one or two days before the deadline or failed to deliver them at all in a bid to hinder the president’s work.

old), a relative 3/5 majority is necessary to override a veto here (2/3 from 1989 to 1997). After a successful override, the president is generally obliged to sign and promulgate the bill in question. An exception exists in Estonia, where the president can still apply for judicial review (see also next paragraph); this possibility also existed in Poland 1992-1997. Should parliament incorporate presidents' suggestions into the bill, Estonian and Slovak presidents can veto the bill again. In Hungary, the Constitutional Court decided in 2003 that the president has to sign the bill irrespective of amendments (Hungarian Constitutional Court 2003).

Presidents can also request a judicial review of bills before the Constitutional Court (Supreme Court in Estonia). Similar to a presidential veto, presidents can only request judicial reviews when they are presented with a bill for signature. In the case of Estonia, presidents can only file review request of bills for which their initial veto has been overridden by parliament. In all other countries, applying to the Constitutional Court for review is not possible after a veto override (except for Poland 1992-1997). The deadline for filing a judicial review request is generally the same as for using a presidential veto (the Estonian constitution does not specify a deadline; neither did the 'Small Constitution' in Poland for review requests after a veto override). Courts on the other hand are not given a limit to reach a decision, which can take between a few days and more than a year. During the time of the proceedings, the bill is not in force and review requests can thus be an effective, yet unpredictable way for presidents to suspend the promulgation of a bill. However, if the Court declares a bill constitutional, the president has to sign it. In Poland, the 'Small Constitution' allowed parliament to override rulings of the Constitutional Court, so that the president still had to sign a bill even if it was declared unconstitutional.

Table 22: Presidents' reactive legislative powers in Estonia, Hungary, Poland and Slovakia

	Estonia	Hungary	Poland	Slovakia
Veto				
Days available to veto (after <u>A</u> doption or <u>R</u> eceipt of bill)	14 (R)	15 (R) a)	30 (R) [1989] b) 30 (R) [1992] c) d) 21 (R) [1997] d)	15 (A) e)
Possible parliamentary responses	override, inclusion	override, inclusion	override	override, inclusion
Override majority (<u>R</u> elative/ <u>A</u> bsolute)	> 1/2 (R) f)	> 1/2 (R) g)	> 2/3 (R) [1989] > 3/5 (R) [1997]	> 1/2 (R) [1992] > 1/2 (A) [1999]
Repeated veto of amended legislation	yes	no	n/a	yes
Bills excluded from veto	n/a	n/a	Budget [1997]	Constitutional Acts [1999]
Judicial Review				
Use after veto override	only after veto override	no	only 1989-1997	no
Other special provisions	n/a	n/a	1989-1997 parliament could override decisions	h)

Notes: Years in brackets show when the respective constitutions (or amendments) entered into force; a) 5 days if bill is declared 'urgent'; b) original says 'month'; c) 20 days in case of the budget; d) shortened to 7 days if bill is declared 'urgent'; e) bills are automatically promulgated by the speaker of parliament if the president neither signs nor vetoes them; f) absolute majority needed for amendments to some bills (listed in §104 of the Estonian Constitution); g) 2/3 majority needed for override of vetoed constitutional acts; h) since 1999 the president can also ask the Constitutional Court to rule on the constitutionality of referenda requested by parliament or citizens' initiatives. Sources: Estonian Constitution; Hungarian Constitution [1989]; Polish Constitution [1992]; Slovak Constitution [1997]; Slovak Constitution [1992]; Slovak Constitution [2001].

Table 23: Presidents' non-legislative powers in Estonia, Hungary and Slovakia

	Estonia	Hungary	Slovakia
Cabinet formation			
President appoints Prime Minister	Yes, subject to vote of investiture (President has two attempts) ^{a)}	Yes, subject to vote of investiture ^{b)} (only after elections/resignation of PM)	Yes, subject to vote of investiture
President appoints Cabinet Ministers	Yes, on recommendation of the PM (after vote of investiture)	Yes, on recommendation of the PM (after vote of investiture)	Yes, on recommendation of the PM (before vote of investiture)
Cabinet Dismissal			
President dismisses cabinet	After resignation of PM, elections or vote of no-confidence	No specified role in dismissal	After resignation of PM, elections or vote of no-confidence
Censure			
On request of the Prime Minister	yes	yes	yes
On request of Parliament ^{c)}	yes	n/a	yes
President obliged to comply	yes (within 3 days)	yes (no time limit)	no
Dissolution of Parliament			
President <i>must</i> dissolve parliament	No government formed after elections; bill put to referendum by parliament rejected; budget not passed within 2 months of budgetary year	n/a	Public vote to impeach president failed
President <i>can</i> dissolve parliament			
	On request of the government after vote of no-confidence	Parliament passes four no-confidence motions in government within one year; a candidate for Prime Minister is not elected within 40 days of appointment ^{d)}	[1992-1999] Government programme fails to be approved three times within six months after the elections; ^{e)} [1999-present] Government programme is not approved within three months after the elections; government draft law tied to vote of confidence not passed within three months; parliament has not been able to make decisions for more than three months ^{f)}

Notes: Years in brackets show when the respective constitutions (or amendments) entered into force; a) parliament nominates the third candidate; b) parliament can also change the Prime Minister without presidential involvement by a constructive vote of no-confidence; c) i.e. a no-confidence in an individual minister; d) president must consult with Prime Minister, Speaker of Parliament, and parliamentary party leaders; e) president must consult with Speaker of Parliament; f) not possible in the last six months of the president's term. Source: Estonian Constitution [1989]; Hungarian Constitution [1992]; Slovak Constitution [2001].

Table 24: Presidents' non-legislative powers in Poland

	Communist Constitution (1952, amended 1989) 12/1989 – 12/1992	'Small Constitution' 12/1992 – 10/1997	New constitution 10/1997 – present
Cabinet formation			
President appoints Prime Minister	No, President only nominates the Prime Minister who is then elected and appointed by the Sejm	Yes, subject to vote of investiture (President has first attempt) ^{a)}	Yes, subject to vote of investiture (President has first attempt) ^{a) b)}
President appoints Cabinet Ministers	No, appointed by the Sejm	On recommendation of the PM (<i>before</i> vote of investiture) President needs to be consulted on candidates for ministries of foreign affairs, national defence, interior	On recommendation of the PM (<i>before</i> vote of investiture)
Cabinet Dismissal			
President dismisses cabinet	No, the Sejm dismisses the government either on its own initiative or a motion of president and prime minister	After resignation of PM, elections or vote of no-confidence	After resignation of PM, elections or vote of no-confidence
Censure			
On request of the Prime Minister	n/a ^{d)}	yes	yes
On request of Parliament ^{c)}	n/a ^{d)}	yes	yes
President obliged to comply	n/a ^{d)}	yes (no time limit)	yes (no time limit)
Dissolution of Parliament			
President <i>must</i> dissolve parliament	n/a	yes	Sejm does not elect a Prime Minister proposed by the president after the Sejm failed to elect the president's first candidate as well as a candidate chosen by the Sejm
President <i>can</i> dissolve parliament	No government formed within three months; no budget is passed; Sejm hinders the president in fulfilment of his tasks ^{e)}	Budget is not passed within three months; no government formed after elections; government loses simple vote of no-confidence	n/a

Notes: Years in brackets show when the respective constitutions (or amendments) entered into force; a) parliament nominates the second candidate; b) parliament can also change the Prime Minister without presidential involvement by a constructive vote of no-confidence; c) i.e. a no-confidence in an individual minister; d) Ministers are appointed and dismissed by the Sejm following the joint recommendation of Prime Minister and president, or on the Sejm's own initiative; e) after consultation of speaker of Sejm. Sources: Polish Constitution [1989]; Polish Constitution [1992]; Polish Constitution [1997].

Non-legislative powers

Presidents in all countries generally have the first choice in putting forward a candidate for Prime Minister, whereby no explicit criteria for selection are specified in the constitutions. Nevertheless, as candidates in all countries need to pass a vote of confidence, presidents need to nominate a candidate that is supported by a majority of deputies. Except for Slovakia, the Prime Minister and other government members are only appointed and sworn in after a successful vote of confidence. While the Slovak exception of swearing in the government before the vote of confidence has not created any controversies so far, the fact that Czech president Miloš Zeman used a similar stipulation to appoint a government against the will of a parliamentary majority in 2013 (BBC 2013) shows the potential for conflict. Furthermore, in all countries cabinet ministers are appointed by the president on the recommendation of the Prime Minister. Under the Polish ‘Small Constitution’ (1992-1997) the president needed to be consulted on candidates for the so-called ‘force ministries’, i.e. foreign affairs, interior and administration, and defence. As the constitution did not specify the process of consultation, this has meant that presidents appointed candidates of their own choosing or governments have anticipated potential objections in their proposals (see also Chapter 3.3.4). Presidents can only dismiss the government after a vote of no-confidence, the resignation of the Prime Minister, or after parliamentary elections. Between 1989 and 1992 the Polish president could submit a motion for the government’s dismissal to the Sejm, yet otherwise all presidents have (had) no discretion in initiating a dismissal of the cabinet.

In all countries the censure of individual cabinet members takes place on request of the Prime Minister. In Estonia and Poland (since 1992) parliament can also pass individual motions of no-confidence which require the president to dismiss the minister in question. Although the constitutional rules are very clear, presidents have often refused

to comply with Prime Ministers' requests.⁶⁶ While the controversy in Estonia was exacerbated by the fact that organic law stipulates presidential action within three days (BNS 1994a), in Slovakia the Constitutional Court ruled that the president is not obligated to acquiesce to the Prime Minister's request (Orosz and Šimunčová 1998, 101). The dissolution of parliament is the non-legislative power in which presidents generally have the largest discretion (except for Polish presidents since 1997). However, presidents can only exercise such discretion in specific scenarios, e.g. if no government is formed after elections or if the passage of the budget is significantly delayed.

3.1.4 Conflict, consolidation and constitutional changes

The above discussion has already highlighted a number of important conflicts with regard to the role of the president. Nevertheless, to place the following in-depth analysis into a broader and less technical context, it is also necessary to outline general political developments with regard to presidential activism in the case study countries. For the sake of brevity, the overview has to remain rather general and will therefore concentrate on events of particular importance to the role of the president and to the episodes of president-cabinet pairings selected for in-depth analysis. The overview is complemented by detailed tables of episodes and the use of presidential powers in all four countries (Appendix A4).

In all four countries, clashes between presidents and governments characterised the first years after the fall of communism. In Hungary, president Árpád Göncz and the government of József Antall clashed on a variety of issues ranging from the role of the president as Commander-in-chief and in representing the country abroad to his right to refuse high-level appointments (Körösényi 1999, 281, O'Neill 1997, 211f). These con-

⁶⁶ See also sections on presidents' activism in government formation, censure and dismissal in the following case studies.

flicts were mostly triggered by the ambiguity in the design of the presidency; yet, the Constitutional Court soon curtailed the presidency's powers considerably. Its rulings made clear that the president was not part of the executive and could not refuse appointments for political reasons or exercise actual power over the military (Szikinger 2001, 419f; Körösiényi et al. 2010, 365). They also stressed the parliamentary character of the political system and closed 'semi-presidential loopholes' so effectively that ambiguity (and thus future conflicts) were mostly avoided (Köker and Engst 2012). The conflict between president and government decreased considerably even before the 1994 elections brought Göncz' former party, the SZDSZ, into power. Furthermore, when attempts were made to draft a new constitution during the second term of parliament (1994-1998), the constitutional commission suggested limiting presidential powers further (Körösiényi 1999, 279). Discussion about the role of the presidency then largely subsided – also due to the fact that Göncz and his successor Ferenc Mádl later largely refrained from using their powers very often. Although Mádl did veto important government projects and had the Constitutional Court confirm the importance of his veto power, he mainly left policy-making to government and parliament (Körösiényi et al. 2009, 111). After the election of László Sólyom in 2005, discussions about the presidency and its powers resurfaced. Sólyom (a non-partisan and former chairman of the Constitutional Court) was elected with the votes of the opposition and therefore remained in cohabitation with the government throughout his term. He also practiced a very literal interpretation of the constitution and disregarded established political practice, e.g. he refused to coordinate appointments for high political posts with the parliamentary majority (Körösiényi et al. 2009, 112).

Similar to Göncz in Hungary, Estonia's first president Lennart Meri also served two terms. Although Meri's election had been supported by most leading parties (including

the Pro Patria Union [IL] of Prime Minister Mart Laar), he soon clashed with government and parliament. Most initial conflicts concerned the role of the president and were thus somewhat similar to the struggles of his Hungarian counterpart. For instance, Meri repeatedly vetoed the Law on the Office of the President (Tavits 2008, 63f) and blindsided the government by his uncoordinated foreign policy decisions (Pettai 2001, 131). After Meri's first term, he was not re-nominated by the IL, yet eventually became the government candidate (EECR 1996a). Meri's activism decreased after his re-election, a trend that continued under his successor Arnold Rüütel. Nevertheless, his use of vetoes along party lines – Rüütel was member of the 'People's Party' which was part of the government for about two thirds of his term – was not popular with parties and the public alike. Estonia's third president, Toomas Hendrik Ilves, used his powers only sparingly and his vetoes were always based on constitutional objections. Ilves did not engage in larger conflicts with parliament and government and even initiated a constitutional change that abolished the president's position as Supreme Commander of the armed forces (ERR 2011) – a position which other presidents (including Göncz in Hungary but also Wałęsa in Poland) had been very keen to keep.

In Poland the first direct election of the president in 1990 created an imbalance of power. The Sejm had still been elected under semi-democratic rules⁶⁷ and Wałęsa could claim higher legitimacy in comparison to parliament and government during the first year in office (Jasiewicz 1997, 136f). In 1992 the 'Small Constitution' came into force, an interim constitution that only regulated the basic relations between president, government and parliament. It extended presidential powers and codified political practices – such as the president's involvement in government formation – that had developed through Wałęsa's initial legitimacy advantage (van der Meer Krok-Paszkowska 1999,

⁶⁷ 65% of seats had been reserved for the Communists (Ziemer and Matthes 2010, 240).

177; Wyrzykowski 2001, 443ff). The strong constitutional position and the heavily fragmented parliament allowed Wałęsa to dominate the political agenda. He was only challenged on his behaviour after the 1993 parliamentary elections when the post-communist SLD came to power. Contrary to other countries in this period, neither government nor parliament called on the Constitutional Court to clarify the president's competencies.

Wałęsa's successor Aleksander Kwaśniewski (SLD) was overall less confrontational and maintained good contacts with the government even during cohabitation. However, as the SLD commanded at least a third of seats in the Sejm throughout his presidency, he was still able to exert considerable influence. A new constitution was adopted in 1997 that limited the powers of the president in government formation and the legislative process (van der Meer Krok-Paszkowska 1999, 188f). Most of the stipulations had been written as an antithesis to Wałęsa's conduct in office and Kwaśniewski had presided over the constitutional commission before his election, so it was not surprising that conflict around the presidential office was rarer while he was in office (McMenamin 2008, 128). His successor Lech Kaczyński kept close ties with the 'Law and Justice' party (PiS) led by his twin brother Jarosław Kaczyński and used its deputies to increase his leverage over the government after Jarosław became leader of the opposition. Kaczyński's presidency was characterised by frequent clashes with Prime Minister Tusk and for the first time since 1989, the government asked the Constitutional Court to clarify the president's competencies. In 2008 Tusk and Kaczyński quarrelled over the president's right to attend and participate in EU summits (Jasiewicz and Jasiewicz-Betkewicz 2009, 1075f). While the Court ruled that the president was allowed to attend the meetings, it also declared that the competency for formulating foreign policy lay

with the cabinet and that the president had to represent its position (Polish Constitutional Tribunal 2009).

In the Slovak Constitution, the role of the president was only vaguely defined and already shortly after the election of Michal Kováč as president, these ambiguities triggered the first conflicts between Kováč and Prime Minister Mečiar. In contrast to Estonia, Poland and Hungary, the conflict was driven by the Prime Minister and his government. As Kováč openly opposed Mečiar's autocratic governing style and attempts to embezzle public funds, the governing coalition started to obstruct the president's fulfilment of his duties, e.g. by reducing the budget of the presidential office to a bare minimum (Haughton 2005, 88). In 1995, the government parties even tried to recall the president but failed to reach the quorum of 3/5 of deputies (Kipke 2010, 322).⁶⁸ After the end of Kováč's term, parliament failed to elect a successor on several occasions as neither government nor opposition commanded the required 3/5 majority and both sides were unable to agree on a compromise candidate (Horváth 2005, 4-5). To guarantee the functioning of the state until a new president was elected all parties agreed to amend the constitution and transfer some presidential powers to the speaker of parliament (Malová and Učeň 1999, 504).⁶⁹ A solution to the crisis in the form of popular presidential elections was only found when the opposition parties came to power in 1998 (Kipke 2010, 321; Malová and Rybář 2008, 184).

The governmental candidate, Rudolf Schuster, then also won the first popular presidential election but renounced his party membership before inauguration. Subsequently, conflict between president and government was driven by the president. For instance,

⁶⁸ Attacks against the president even continued on a personal level. While not entirely proven until today, the Mečiar government has been seen as responsible for arranging Kováč's son to be beaten up, drugged, and kidnapped to Austria in 1995 (Haughton 2005, 86-87).

⁶⁹ The constitution stipulated that the Prime Minister would be acting as head of state but forbade him to exercise a number of powers, i.e. promulgating laws, appointing the Prime Minister and other members of government. It were these powers that were transferred to the speaker.

Schuster supported several plans of the opposition (Tavits 2008, 126) and used his veto power with unprecedented frequency. He also called for an extension of his powers yet these suggestions went unheard, and government and parliament marginalised the president by blocking most of his projects and initiatives (Malová and Rybář 2008, 196). Schuster's successor, Ivan Gašparovič, largely followed the same pattern, although over time he forged closer ties with the SMER ('Direction') Party and decreased his use of vetoes during their tenure. Like Schuster, Gašparovič called for more powers for the presidency (Mesežnikov 2007, 34; 2009, 35). Gašparovič was re-elected in 2009, yet except for refusing to appoint a new general prosecutor elected by parliament using a constitutional loophole (Vilíková 2011) he has not had a great influence on the development of the role of the Slovak presidency.

Presidential activism in Estonia and Poland

Estonia and Poland comprise the first ‘most different pair’ in the context of which I will analyse the use of presidential vetoes and presidents’ involvement in government formation, censure and dismissal in depth. As outlined above, the activism of Estonian presidents has significantly decreased since the mid-1990s while Polish presidents have continually used their powers at a comparatively higher level since the first democratic presidential elections were held in 1990. The analysis shows that the mode of presidential election is one of the key factors in explaining this difference. Polish presidents acted as agents of their electorate and used their veto power to defend their voters’ interests independently from government and parliament. The indirect election of presidents in Estonia on the other hand made presidents dependent on parliament so that office holders eventually only used their powers to improve legislation, rather than for political reasons. It is not only this contrast that corroborates the findings of my statistical analysis, but there are also very similar findings from both countries that confirm the assumptions of my theoretical framework. For instance, presidents in both countries exploited decreasing government majorities and used their veto more frequently when the ideological distance from the government was greater. The findings also call the reliability of the effective number of parties as an indicator of parliamentary weakness into question. In Estonia, parties were able to coordinate veto overrides irrespective of the fragmentation of parliament, and the Polish case showed that low rather than high fragmentation can increase presidents’ chances of successful vetoes. In both countries high override thresholds affected presidents’ propensity to veto, yet their effect also interacted in varying degrees with other variables. Finally, presidents in both countries vetoed more frequently when there were divisions within or between government parties – a factor that was not included in my statistical models and merits further consideration.

3.2 Presidential activism in Estonia

The Estonian president is the ‘weakest’ in comparison with presidents in the countries selected for in-depth analysis. Both the indirect elections and the limited powers stood in contrast to the majority of proposals in the constitutional assembly and public opinion (Taagepera 1993, 211; Pettai 2001, 132), yet this institutional set-up had the single largest effect on presidential activism over time. Elections by parliament led to lower levels of activism and presidents generally issued vetoes in order to improve rather than to block policies. Overall, this corroborates the assumptions of my theoretical framework, as do findings that a higher seat share of the government and harmonious relations between president and government lead to lower levels of presidential activism. Yet, the in-depth study of presidential activism in Estonia also yields several unexpected results. For instance, the analysis shows that parliamentary fragmentation did not play a role for presidential activism and does not always provide an adequate measure of parliament’s weakness. Furthermore, presidents also vetoed legislation when their own party participated in the government in order to increase its leverage vis-à-vis its coalition partners.

3.2.1 Meri II – Laar II: The president exploits intra-governmental divisions

Table 25: Summary of key information – Meri II-Laar II (03/1999-09/2001)

Episode start:	03/1999	Episode end:	09/2001
President:	Lennart Meri (non-partisan)	Prime Minister:	Mart Laar (IL)
In office since:	10/1992 (re-elected 10/1995)	In office since:	03/1999
Government composition:	IL, RE, MD		
Government seat share:	51% (episode start), 52% (episode end)		
Effective No of parties:	6.64 (episode start), 7.01 (episode end)		
Number of vetoes:	6 vetoes / 0.19 per month		
Model prediction:	7.14 vetoes / 0.23 per month		
Reasons for selection:	Well predicted; largely representative of Meri’s 2 nd term in office.		

The conflict between Lennart Meri and Mart Laar had characterised politics during the first years of Estonian independence. During his first term in office, Meri had frequently

returned bills to parliament (24 vetoes in four years or 3.9% of legislation) and weighed in on several political debates, especially issues concerning the Russian minority in the country and the new institutional arrangements (Tavits 2008, 62-64). Despite having been nominated by the IL, Meri did not affiliate himself with any party and his relationship with Laar's first government can be described as cohabitational.⁷⁰ After Laar returned to power, they faced each other once again, and while Prime Minister Laar was now clearly the dominant political actor this did not mean that Meri remained inactive.

In the general elections of March 1999 the Centre Party (KE) won the largest number of seats, yet as its leader Edgar Savisaar was unable to find suitable coalition partners, the runner-up IL led by Mart Laar formed a coalition with the Reform Party (RE) and the Moderates (MD). Other than its predecessor, the government held a majority in the Riigikogu and would have been able to promptly implement its planned reforms of corporate taxation, state administration, and the extension of welfare (Pettai 2002, 947; Lagerspetz and Maier 2010, 93). However, this was partly prevented by continuing conflicts among coalition partners and particularly the Reform Party's reluctance to support administrative and welfare reform. The reasons for this were conflicts with IL-affiliated mayors in Tallinn where the three parties cooperated in the City council (Lagerspetz and Maier 2010, 92; Pettai 2002, 948).⁷¹ Furthermore, parties were unable to settle on a joint candidate for the 2001 presidential elections.

The selected time period covers Meri's last two and a half years in office. Although some personal animosities between Meri and Laar from the first years of Meri's very active presidency remained, relations between president and government can overall be described as neutral. The predictions of the statistical model match the actual number of vetoes relatively well and as in other episodes during Meri's tenure, the government

⁷⁰ The IL even refused to nominate him for re-election after the end of his first term (Tavits 2008, 62).

⁷¹ As several MPs were also members of the city council it was easy for conflicts to spill over to the national level (Pettai 2002, 949f).

consists of more than two parties and only holds a slim majority in parliament. While it is thus overall representative of Meri’s presidency and provides an excellent basis for model-testing analysis, one also needs to take into account that it is one of his least active episodes. During Meri’s second term, his activism overall decreased although he still remained comparatively active (16 vetoes in five years or 1.9 per cent of all legislation) and the success rate of his vetoes increased. Nevertheless, the overall legislative output of parliament remained the same compared to the previous legislative term. When facing Laar for a second time, Meri used his veto six times. Above all, the main reasons for vetoing were thereby not disagreements over content, but rather formal/legal considerations and – as the comparison with similar, non-vetoed legislation shows – the intermittent fragile government majority. At the same time, Meri’s general support for the government’s reform agenda prevented a higher number of vetoes.

Table 26: Vetoes by president Lennart Meri during Laar II

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Bar Association Act	21/02/2001 (43/77)	14/03/2001	Override (21/03/2001; 42/71)
2) Bankruptcy Act	01/06/2000 (48/48)	08/06/2000	Override/Re-passage (14/06/2000; 70/71)

Total: 6 vetoes / 1.4 % of all legislation passed

Notes: Table only lists vetoes mentioned in analysis.

Veto of the Bar Association Act

For present purposes, Meri’s veto of the Bar Association Act is probably best-suited to illustrate the influence of different factors on the president’s decision. Passed in February 2001, the Act regulated the activities of the Bar Association and foreign lawyers in Estonia. The Reform Party had voiced some concerns in the drafting process of the bill, namely that it would potentially not guarantee the availability of legal aid for everybody. Nevertheless, the bill was eventually passed with the votes of the coalition parties without any defections. President Meri subsequently vetoed the act, officially objecting

to the fact that it did not sufficiently regulate access to legal aid for the poor (Tavits 2008, 63) and argued that this was in conflict with the country's constitution. Opinions about the constitutional infringement of the bill differed, but the assertion of unconstitutionality by the president must generally be treated with caution in the Estonian context. As Estonian presidents can only refer bills to the Supreme Court for judicial review after parliament has overridden their veto, Estonian politicians and experts generally agree that the president can only veto a bill if it is unconstitutional.⁷² Thus, since the late 1990s presidents have generally attempted to justify their objections on constitutional grounds.

When the bill was debated in parliament again, the constitutional committee rejected Meri's concerns; however, opposition parties supported the idea of amending the bill/further debate. Apart from concerns about the act's constitutionality, the opposition's support of his veto as well as the concerns voiced by deputies of the Reform Party (holding one third of the coalition's seats) appear to have been part of Meri's calculations when vetoing the bill. The government relied on a slim majority and Meri therefore only required a handful of defections for his veto to be successful. The veto had also raised public awareness of the issue so that Meri had public opinion on his side.⁷³ Nevertheless, parliament overrode the veto; yet after RE representatives speculated that the president might after all turn to the Supreme Court (Tomsalu 2001) the government promised to regulate the access to legal aid in another bill, the Legal Service Act (BNS 2001; Tavits 2008, 63).

The statistical model would explain the veto through the slim parliamentary majority and parliamentary fragmentation. However, public opinion and the divisions between coalition parties also played an important role in Meri's decision to veto. The use of

⁷² This was also corroborated by my interviews.

⁷³ In an interview after parliament's override of the bill, the Chancellor of Justice declared that 70% of those who had petitioned his office during the last year had done so asking for legal aid (Tomsalu 2001).

public interest/support as a power resource was also a strategy that Meri used in his first term when he vetoed several pieces of legislation on the rights of the Russian minority. Lacking parliamentary support, he was still able to build up pressure on government and parliament by involving the public and international actors such as the CSCE (van der Stoel 1993).

In contrast to the veto discussed above, Meri did not veto other government bills that had a social policy component and had an even higher public profile. This is mainly because the coalition parties – despite internal disagreements – were still able to pass them with more comfortable majorities and the support of opposition parties. For instance, the ‘Unemployment and Social Protection Act’ which foresaw an extension of allowances for jobseekers, was not vetoed by Meri. The plans were less extensive than originally proposed and several regulations hinged on an improving economic situation (Riigikogu Stenographic Record 14/06/2000; BNS 2000a). Thus, the bill would have been a suitable target for presidential activism. Nevertheless, all parties supported the bill and it was passed unanimously (Riigikogu Voting Record 14/06/2000) rendering both a veto override and later change – as in the case of the Bar Association Act – unlikely.⁷⁴

Vetoed of the Bankruptcy Act and other bills

Meri’s remaining vetoes do not entirely conform to the expectations of my theoretical framework, insofar as they were not so much motivated by policy differences between president and government or parliament but rather by procedural considerations. For instance, in his veto of the Bankruptcy Act in June 2000 Meri did not object to content of the bill, but merely called attention to the fact that it had only been passed with a relative, not an absolute majority as required by the constitution (Meri 2000). Thus, the

⁷⁴ A similar situation emerged with regard to the reform of the hospital service which – albeit controversial (BNS 2000b) – was passed with an 80% majority in parliament (Riigikogu Voting Record 09/05/2001).

reason for Meri's veto was simply to allow parliament to rectify this procedural error which it did by overriding the veto with the correct majority. Formal-legal considerations were also preponderant in Meri's remaining four vetoes, yet other factors included in my statistical models equally played a role. In all cases Meri justified his vetoes with the fact that the bills were internally inconsistent and contained obvious constitutional infringements. At the same time, these vetoes occurred towards the end of Meri's term in office when tensions between the Reform Party and its coalition partners weakened the government and its coherence in parliament. Thus, the coalition parties made no attempts to override the bills and only returned to them after the election of Meri's successor, Arnold Rüütel. After the internal cohesion of the Laar government in its early days appears to have prevented Meri from interfering in the legislative process (his first veto was only used more than a year after the government's inauguration), the narrow majority in combination with increasing internal conflicts resulted in an increased use (and success) of vetoes.

Nevertheless, it should be mentioned here that during this episode Meri's vetoes did not concern bills which were at the core of the government's legislative agenda. This could be interpreted as an effect of the neutral president-government relations. Furthermore, an increasing share of legislation (and governmental reform plans) was aimed at preparing Estonia's accession to NATO and the EU which Meri wholeheartedly supported. Thereby, the government now incorporated advice from international organisations into their bill proposals and Meri, who had demanded this on previous occasions (e.g. in the case of the language law; van der Stoel 1993; BNS 2000c), now had no reason to intervene.

Lennart Meri – From activist president to passive guardian of the constitution

The main reasons for Meri's use of vetoes during the analysed episode were the shortcomings of the bills passed by parliament as well as the increasing weakness of the government. The latter was not only caused by the slim majority but also by divisions between coalition parties. Nevertheless, parties were still able to pass their major bills with comparatively large majorities and the support of (most) opposition parties, so that Meri's vetoes rather concerned bills of lesser importance. He also objected to bills due to their form rather than their content. The latter could potentially also be interpreted as an effect of his generally neutral relationship with the government. Last, an increasing number of bills was meant to prepare Estonia for NATO and EU accession. As the country was one of the 'frontrunners' in accession talks at the time (Grabbe 2003), Meri did not want to jeopardise its position or counteract his own foreign policy efforts of the last years by interfering.

In the context of the remainder of Meri's presidency, the episode also highlights other factors that influenced his activism over time. During his first term, parliament was far more fragmented and polarised which facilitated and appears to have increased his veto use. Furthermore, as interviews with two of his former staff members highlighted, Meri saw himself as having been popularly legitimised by his semi-popular election. As constitutional practice was only slowly established, he also pushed for more powers (which explains his consecutive vetoes of the Working Act of the President; Tavits 2008, 63f). This motive became less important over time after the most fundamental issues regarding the relations between state institutions had been resolved and parliament and government agreed to withstand presidential interference. Finally, during his first term Meri's staff had been mostly young and politically less experienced than him so that he lacked informal connections to other institutions. For his second term in

office, advisors were largely recruited from government ministries which gave the president a better insight into the workings of government and facilitated the tactical (and sparser) use of vetoes.

3.2.2 R  itel – Parts: Activism to defend the presidential party’s interests

Table 27: Summary of key information – R  itel-Parts (04/2003-04/2005)

Episode start:	04/2003	Episode end:	04/2005
President:	Arnold R��itel (RL)	Prime Minister:	Juhan Parts (RP)
In office since:	10/2001	In office since:	04/2003
Government composition:	RP, RE, RL		
Government seat share:	58% (episode start), 59% (episode end)		
Effective No of parties:	5.9 (episode start), 7.2 (episode end)		
Number of vetoes:	3 vetoes / 0.13 per month		
Model prediction:	3.22 vetoes / 0.13 per month		
Reasons for selection:	Very well predicted; representative of R��itel’s term in office		

Arnold R  itel’s election had come as a surprise to many and so did his vocal support for Estonia’s EU membership by which he distanced himself from his former party allies (Huang 2002). Yet when his own party joined the Parts government, it became clear that his independence was far from established and that he was more than willing to become a vicarious agent in the hands of his party.

In the 2003 elections, the Centre Party had once again won the most votes yet tallied with the newly formed ‘Res Publica’ (RP) in the number of seats. RP then formed a coalition with the Reform Party and R  itel’s People’s Union (RL) under RP leader Juhan Parts (Pettai 2004). In contrast to Meri, R  itel had a strong partisan affiliation as he had stood at the helm of the RL until his election.⁷⁵ Thereby, R  itel had a partisan representation in parliament throughout his presidency and the RL was part of the cabinet for nearly two-thirds of his tenure. His relationship with the Parts government was

⁷⁵ Nevertheless, he was not considered to be a very influential figure in the party. My respondents in Estonia almost unequivocally described him as ‘party chairman but not party leader’.

overall neutral to unified. Although the governing coalition held almost 60% of the parliamentary seats, it was continuously weakened by internal conflicts over reforms, changes in key ministries due to scandals⁷⁶ and the inability of Prime Minister Parts to act as an arbiter between parties (Pettai 2004; 2005; Lagerspetz and Maier 2010, 92). Already in November 2003 – only seven months after the government’s investiture – the RL threatened to leave the government to force its coalition partners to postpone tax cuts proposed by the RP (Pettai 2004, 996). This also significantly delayed the passage of a number of bills which were stipulated in the coalition treaty and were predicated on a different budgetary situation. On the other hand, tensions between RP and the RE increased after RE leader Andrus Ansip joined the government as minister of economy. Following Parts’ resignation, Ansip formed a new government with the Centre Party (KE) and the RL (Pettai 2005, 1005).

Table 28: Vetoes by president Arnold Rüütel during Parts I

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Amendments to the European Parliament Election Act	11/02/2004 (61/90)	03/03/2004	Override (09/03/2004; 61/95)
2) Act to Amend the Dwelling Act and §12 of the Republic of Estonia Principles of Ownership Reform Act	15/06/2004 (50/87)	30/06/2004	Override (20/07/2004; 47/83)
3) Government and Associated Acts Amendment Act	25/02/2004 (52/83)	11/03/2004	Override (24/03/2004; 53/85)
Total: 3 vetoes / 0.9 % of all legislation passed			

The predictions of the statistical model for Rüütel’s veto activity during the Parts government match the actual use of veto very closely and it is one of the best predicted episodes in all four countries. The constellation of other factors – unified president-government relations, majority government, and at least a small support base in parliament – is also representative of Rüütel’s presidency as a whole. Thus, the analysis will allow for validating the results of the statistical model and for assessing whether the

⁷⁶ The heads of the ministries of defence, economy, finance, agriculture and foreign affairs were all replaced during the Parts government.

close match of prediction and actual activism can in fact be attributed to the influence of the variables in the model or other factors.

When R  itel was elected it was expected that he would overall be less active than his predecessor (Huang 2002; Tavits 2008, 65) which is certainly true for his veto activity (during his term R  itel vetoed 12 bills, i.e. 1.9 per cent of legislation). Nevertheless, my interviews showed that he frequently attempted to influence policy informally (see below), although he did not resort to actual threats. R  itel also maintained closer contacts with the government (even when the RL was not a coalition partner) and used his regular meetings with the Prime Minister to discuss policy issues. In the episode at hand, R  itel used his veto three times and thus returned the same percentage of legislation to parliament as the in the previous episode during which he was still in cohabitation with the government. Questions of constitutionality only played a role for one veto; in the remaining two cases the vetoes represent R  itel's attempts to defend his own party's interests. While this challenges the assumption that presidents' policy preferences are already being implemented when their party is part of the government, it confirms the expectations that presidents will veto to block policy that conflicts with their own views. Furthermore, it provides a tentative explanation for the similarly high level of activism in this episode compared to the preceding one.

Veto of the European Parliament Election Act

In February 2004 parliament passed amendments to the law on elections to the European Parliament. Amongst others, the bill stipulated the use of open electoral lists for the upcoming EP elections.⁷⁷ R  itel's RL strongly opposed this option and preferred closed lists as they feared other parties would nominate well-known candidates or celebrities to

⁷⁷ This was similar to the system used for the elections of the Riigikogu.

attract votes which would then refrain from taking up their seats and let others go to Strasbourg (Riigikogu Stenographic Record 11/02/2004). However, as the bill had not been initiated by the government but by the Pro Patria (IL) faction, the RL had little influence over the drafting process of the bill. The RE opposed the reform for the same reason, so that the RP eventually passed the bill against the will of its coalition partners using the votes of the opposition.

After the bill's passage, the RL leadership started to apply pressure on the president both publicly and informally to return the bill back to parliament (Toomla 2004; Mattson 2004; Tavits 2008).⁷⁸ R  itel eventually bowed to his party's demands and based the justification for his veto on the RL's arguments. There was little possibility for avoiding an override (even when taking into account that an absolute majority was needed) but it is possible that the RL and R  itel speculated that the Centre Party would eventually vote with them to block the override (Sildam and Mattson 2004). Nevertheless, after the president's veto attracted many negative comments, the Centre Party did not change its position and supported the override. As R  itel's veto did not have any constitutional basis⁷⁹, a subsequent request for judicial review was out of the question and he had to sign the bill. While R  itel tried to distance himself officially from the RL, the process of this veto shows that his ties were still strong and rather than being able to use the RL's participation in the government to his advantage, the RL used the president to strengthen its position vis-  -vis its coalition partners. This provides a new perspective on president-government relations and presidential activism. My theoretical framework assumed that presidents will refrain from vetoing legislation when their party participates in the government. However, the above example shows that presidents

⁷⁸ This has also been corroborated by my interviews with respondents from parliament/government.

⁷⁹ In fact, the justification of his veto only mentioned the constitution in a footnote hinting at § 107 as the legal basis for the veto. The body consisted of only five sentences in which the R  itel argued that open lists would not 'give voters the confidence' that the candidate they had voted for would enter parliament (R  itel 2004a).

might be equally inclined to veto during unified relations if it promises to increase their party's bargaining weight within the coalition. It needs to be seen in the analysis of the remaining episodes to what extent this mechanism can be found in other cases, although it calls for a reassessment of the respective theoretical assumptions in any case.

The amendments to the 'Riigikogu Election Act' passed in September 2004 present a counterexample to the veto described above. In particular, it highlights the importance of the majority situation in parliament for presidential activism. The bill was initiated by the government so that the RL had the opportunity to exert greater influence over the drafting process and subsequent discussions. Several of the party's suggestions (BNS 2004) were still not incorporated into the final version and the party leadership could have asked president Rützel to intervene on their behalf once again. Nevertheless, this time the opposition parties unanimously supported the bill and chances for stopping it by the ways of a veto were minimal. Eventually, the People's Union even voted in favour of the bill (Riigikogu Voting Record 22/09/2004) and Rützel did not become active.

Veto of the Law on Ownership

A similar pattern can be observed for Rützel veto of the Law on Ownership, although here the president was at least partially able to draw on legal arguments. The bill was passed in June 2004 and changed rent-related regulations for tenants of properties which – after having been seized by the Communist state – had now been returned to their rightful owners. The RL opposed the bill from early on even though it had been initiated by the government. In particular, the party objected to the abolition of a rent-ceiling and feared that poorer tenants would be evicted if the new owners decided to raise the rent (Riigikogu Stenographic Record 09/06/2004). Subsequently, the RL voted against the

bill in the third reading and it only passed with support from the IL and an independent MP (Riigikogu Voting Record 15/06/2004). When Rütel returned the bill to parliament, he once again incorporated arguments made by the RL and claimed that the quick entering into force of the bill violated the constitutional principle of legal certainty. Furthermore, he argued that the social security system would not be able to cope with the potential demand for state-funded housing that might arise as a consequence of the bill (Rütel 2004c). As the government was divided over the issue, Rütel (or the RL) might well have expected that parliament would not pass the bill again without delaying its entry into force. Nevertheless, the constitutional commission rejected the president's objections and the bill was passed again unamended (Riigikogu Voting Record 20/07/2004). Rütel then asked the Supreme Court to declare the bill unconstitutional, yet failed to substantiate the comparatively short justification of his veto. In line with the opinions from the Ministry of Justice and the Chancellor of Justice the Court declared the bill constitutional in December 2004 and ordered its entry into force ten days after its publication in the State Gazette (Estonian Supreme Court 2004). As the president's main objective was to postpone the implementation of the bill, the decision of the Supreme Court must not be seen as a disappointment for Rütel. The application to the Supreme Court delayed the implementation of the bill and furthermore directed attention towards an issue relevant to the RL. This corroborates my assumptions that presidents will also veto under conditions that are unfavourable to seeing their veto sustained as long as it raises awareness of their policy position. It also demonstrates that the 'successful' use of vetoes cannot always easily be established as presidential motivations for activism might be very bill-specific.

Arnold Rüütel – The president as the long arm of the party

Despite the close match of the model prediction and the actual number of vetoes, Rüütel's veto activity cannot sufficiently be explained by the variables included in my statistical models. Rüütel vetoed to satisfy the interests of his own party and to defend them against the larger coalition partners which was unforeseen by my theoretical framework. However, it might provide an additional explanation as to why the relationship between veto use and president-government relations is non-linear. A potential additional variable for inclusion in the statistical models might be a dummy indicating that the president's party is the junior coalition partner, but this might lead to similar coding problems as with the current measure of intra-executive relations in determining the actual affiliation of the president with one particular party. Irrespective of these potential problems, the analysis has shown that for Rüütel (as well as for Meri during the episode analysed above) divisions between government parties provided an incentive to become active as vetoes were more likely to be sustained.

At the same time, the analysis highlights the role played by communication between coalition parties and between president and government in how presidents deal with bills in general. My interviews showed that Rüütel regularly met with with Prime Minister Kallas and cabinet ministers from all coalition parties to discuss legislation currently debated in parliament. During these meetings, Rüütel or his staff would suggest new bills or amendments to existing legislation (although usually unsuccessfully). Even though my interviews also revealed that cabinet ministers dreaded the meetings initiated by the president, these meetings still appear to have served as an 'outlet' for presidential activism. They provided a semi-formal environment to discuss legislation and forum for

Rüütel to voice his concerns without resorting to using his powers.⁸⁰ Rüütel was reportedly already satisfied when his suggestions were acknowledged by representatives of the government. Irrespective of whether his suggestions were incorporated, he felt that he had fulfilled his role as check-and-balance which reduced the overall number of vetoes. The latter is exemplified by the fact that both vetoes described above as well as the subsequent veto of the Government Amendment Act occurred during a period in which ‘normal’ communication between president and government was suspended.⁸¹ According to two of my respondents, regular meetings between president and Prime Minister had been discontinued by the end of 2003. Prime Minister Parts had made it clear that he would not take (further) policy suggestions from the president and questioned the purpose of their regular meetings that only started again in March 2005, shortly before the end of Parts’ premiership. It appears therefore that despite his partisan partiality, president Rüütel might still have played a role as informal arbiter in conflicts between the RL and the other coalition partners. This role was particularly salient when the RL felt that their preferences were not taken into account. On the other hand, closer communication between coalition partners – e.g. in the case of the Riigikogu Election Act – prevented the emergence of divides and Rüütel was not required to step in.

Last, the analysis of Rüütel’s activism also sheds light on the symbolic value of vetoes and that the reason for vetoing does not have to be a complete prevention of a bill’s coming into force. However, these reasons appear to be bill-specific. The data basis is too thin to derive wider conclusions here, yet the relationship between specific charac-

⁸⁰ It should be noted that his suggestions never amounted to veto threats but could rather be described as determined but with little actual expectation that they would be taken into account.

⁸¹ Based on the evidence gathered in my interviews, it appears likely that the veto of the ‘Government and Associated Acts Amendment Act’ – which was motivated by reasons of internal inconsistency and legal technicalities (Rüütel 2004b) – could have even been avoided had the line of communication between president and Prime Minister not been cut.

teristics individual bills and presidential vetoes could still be an interesting avenue for future research.

3.2.3 Ilves I – Ansip II: Limited activism due to limited legitimacy

Table 29: Summary of key information – Ilves I-Ansip II (03/2007-05/2009)

Episode start:	03/2007	Episode end:	05/2009
President:	Toomas Hendrik Ilves (non-partisan, formerly SD)	Prime Minister:	Andrus Ansip (RE)
In office since:	10/2006	In office since:	04/2005, re-elected 03/2007
Government composition:	RE, IRL, SD		
Government seat share:	59% (episode start), 59% (episode end)		
Effective No of parties:	7.42 (episode start), 7.79 (episode end)		
Number of vetoes:	2 vetoes / 0.09 per month		
Model prediction:	3.37 vetoes / 0.13 per month		
Reasons for selection:	Outlier/overpredicted (as all episodes during Ilves' presidency)		

Ilves candidacy for president was supported by both his own Social Democrats (SD) as well as the Reform Party (RE) (Pettai 2007, 944). When Prime Minister and RE leader Andrus Ansip was confirmed in office and formed a coalition with the SD and IRL after the 2007 elections, Ilves naturally continued to be largely inactive.⁸² Yet Ilves' patterns of activism differ from his predecessors and marked a shift towards a more passive role for the president.

In Prime Minister Ansip's second cabinet, the collaboration between the government parties was mostly characterised by the SD's struggle to reach compromises on social policy with the two centre-right parties. The eventual exclusion of the SD from the coalition followed a battle over unemployment benefits. The RE proposed to cut benefits, whereas the SD opposed cuts and forced consultations with trade unions and employer associations. When it became clear that benefits had to be cut in any case due to budget-

⁸² Nevertheless, he had left the SD upon his election and did not maintain particularly close contact.

ary restrictions, the SD and its call for higher taxes stood in clear opposition to the other parties. Prime Minister Ansip eventually decided to remove the SD from the coalition and to continue as a minority government (Pettai 2010, 958). Contrary to the pattern observed with regard to R  itel and the RL, Ilves neither sided with his former party nor did he actively interfere.⁸³ In fact, he remained largely supportive of the government’s plans throughout the episode.

Table 30: Vetoes by president Toomas Hendrik Ilves during Ansip II

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Temporary Procedure for Remuneration of Members of the Riigikogu Act	19/11/2008 (53/54)	24/11/2008	Override ^{a)} (02/12/2008; 88/59)
2) Gender Equality Act, Equal Treatment Act, Republic of Estonia Employment Contracts Act, Local Government Organisation Act and Local Government Council Act Amendment Act	19/02/2009 (58/85)	03/03/2009	Amendments accepted (24/09/2009; 68/69)

Total: 2 vetoes / 0.1% of all legislation passed

Notes: a) The bill was later declared unconstitutional by the Supreme Court.

Ilves was clearly Estonia’s least active president, yet he also did not experience a period of cohabitation during his first term in office. Two out of his seven vetoes fall in the selected episode and while this matches the predictions of my statistical model most closely, it is still less than expected. Furthermore, the episode at hand is the least active period during Ilves’ first term in office. Part of this might be connected to the fact that parliament’s legislative output was lower during the selected episode. While this was included in the statistical models, the recurrent conflicts between coalition parties meant that more controversial bills with a higher public profile were postponed. Parties then concentrated on passing bills which had their full support, maximising the likelihood of veto overrides. The following analysis focusses on identifying additional factors ex-

⁸³ This was confirmed by both expert and political respondents. The only open (yet less significant) conflict between president and government arose in 2007/2008 when Ilves’ nominee for the office of Chancellor of Justice was not elected for a second term. His second candidate was however accepted without difficulty (Pettai 2009, 953f).

plaining why Ilves refrained from further activism. It is shown that the most important factors for Ilves' restraint were thereby not the large government majority (although it did play a role) and the presence of his former party in the government. Rather, the indirect election of the president contributed to him playing a largely apolitical role so that he refrained from using his veto for political reasons.

Veto of MPs salaries

In November 2008, the Riigikogu passed two bills that tied the calculation of salaries for public servants and members of parliament to the average wage and temporarily prevented planned increases. Thereby, the bill regulating deputies' salaries created a greater discussion and controversy and was eventually vetoed by president Ilves. The bill capped salaries at the 2007-level until parliamentary elections in March 2010 – a gesture by which parties (together with reducing and/or capping the salaries of other high-ranking officials) hoped to please the electorate in times of economic crisis.⁸⁴ However, §75 of Estonian constitution stipulates that any amendments to deputies' salaries can only come into force in the next legislative term and require an absolute majority according to §107. The issue of constitutionality had been raised in discussions of the draft and the presidents' office had signalled to the coalition parties that the president would return the bill on these grounds. The bill was eventually passed by a 53:1 margin and Reform Party deputies abstaining (Riigikogu Voting Record 19/11/2008). Therefore, when Ilves issued the veto, an override seemed only slightly more likely than amendments to the bill. Eventually, the Act was passed without amendments by a clearer 58:1 margin; nevertheless, deputies of Prime Minister Ansip's Reform Party still abstained from voting (Riigikogu Voting Record 02/12/2008). Subsequently, Ilves applied

⁸⁴ This is not only the shared perception of several of my unaffected respondents but was also admitted by some of those more directly involved.

to the Supreme Court for judicial review. The Court agreed with his argumentation that the bill violated the Estonian constitution and rejected the position of the government and the Chancellor of Justice (Estonian Supreme Court 2008).

Overall, the veto and its justification show that Ilves had no interest in blocking the bill for political reasons. Nevertheless, as his concerns were not shared by the Chancellor of Justice and the government he might not have decided to veto the bill had the constellation of other factors not been so beneficial. The divisions between the RE and its coalition partners as well as the exceptionally required absolute majority increased his chances of forcing amendments to the bill. Furthermore, by vetoing Ilves opposed his own (former) party which is evidence of a continued distancing from the SD and growing closeness to the RE – a pattern corroborated by my interviews. The veto also highlights the difficulties of incorporating veto override thresholds into statistical models – apart from the strong correlation between higher thresholds and popular presidential elections they can still vary from bill to bill.

President Ilves did not veto the second bill on the salaries of public officials. This highlights the importance of the division within the government – in combination with the exceptionally high override threshold – for the veto described above. The second bill regulated the salaries of judges, ombudsmen, members of the government and the president, and was not subject to the increased override threshold. While Ilves criticised that the measure was only temporary and reduced the salary of some officials (e.g. the Gender Equality and Equal Treatment Commissioner), whereas merely freezing the salary of others he did not have any legal objections. Furthermore, in contrast to the bill on MPs' salaries, it was supported by all parties and passed without a dissentient vote (Riigikogu Voting Record 19/11/2008). Ilves later stressed that parliament was within its right to set the salaries in this way and that he would therefore sign the bill (Estonian

Presidential Office 2008). Nevertheless, it cannot be entirely excluded that not vetoing the bill was a strategic move. By refraining from returning the second bill to parliament and accepting a reduction of his own salary, he had let parties have at least part of their political gesture, thereby sweetening his veto with their political success.

Veto of the Gender Equality Act

Ilves' second veto during the episode shows again that rather than returning bills due to their content, he used his veto to ensure their constitutionality in every possible way. In March 2009, he returned the Gender Equality Act to parliament because of errors in its drafting process. Similar to the law on public officials' salaries, he stressed that parliament could regulate the matter as they wished (implying that he would not interfere even if he disagreed with the content).⁸⁵ However, he objected to the fact that an addition about local elections had been made to the draft shortly before its second reading and the opposition thus had no chance to submit further amendments or counter-proposals.⁸⁶ As the additions had nothing to do with the original draft, Ilves asserted that it had in fact become a new draft that needed to go through all three readings, not only the second and the third (Estonian Presidential Office 2009). Parties agreed not to override the veto and passed a new version of the law six months later. This pattern was also followed in vetoes after the Social Democrats had been excluded from the coalition – in each case Ilves' vetoes were accepted by parliament and his suggestions were incorporated. Hereby, a significant factor also seems to be Ilves' growing closeness with the RE already mentioned above which – apart from the low level of presidential activ-

⁸⁵ In discussions with parliament, the head of his legal department furthermore declared that the president would also refrain from providing any instructions on how the law should be changed or re-adopted in order not to overstep his prerogatives.

⁸⁶ This had also been criticised by the Centre Party (Riigikogu Stenographic Record 17/02/2009).

ism – was the main reason given by my interviewees for the good relations between president and government.

In addition to these factors, it appears that the strong position of the Chancellor of Justice as a further check-and-balance on government and parliament may have prevented further vetoes. In December 2008 parliament passed amendments to the Local Government Election Act relating to the Tallinn City Council. The changes were motivated by the fact that current legislation did not provide for sufficiently proportional representation and thus tentatively violated the constitution. Therefore, the amendments stipulated changes to both the size of the city council and to the seat allocation formula. However, similar to the Gender Equality Act, the bill's passage had been very quick⁸⁷. Thus, concerns of the KE whose deputies pointed out that the amendments did not actually increase proportionality had not been adequately incorporated. The bill was eventually passed against the votes of the KE and some deputies already anticipated that Ilves would veto the bill for the reason mentioned above. Nevertheless, the Chancellor of Justice publicly criticised the bill almost immediately after its passage and prompted parliament to pass a new version (BNS 2008), thus giving Ilves no possibility to become active.

Toomas Hendrik Ilves – The presidency as a passive-corrective

The low level of activism under president Ilves can only partly be explained by factors relating to the political environment – unified intra-executive relations and a large government seat share – and additional factors such as provisions for special override majorities and the unique institution of the Chancellor of Justice. The most important explanatory factor – both for the low level of activism and the emphasis on legal techni-

⁸⁷ The bill had passed through all three readings in less than two weeks.

calities over political objections – appears to lie in the mode of election of the president. Ilves clearly and repeatedly stressed his support for a political set-up in which parliament and other institutions (such as the Chancellor of Justice or other ombudsmen/institutional watchdogs) rather than the president provided checks-and-balances on the government. This can be seen as the main reason for the low number of vetoes, even when taking into account the lack of cohabitation during his presidency and his growing closeness to the RE. Furthermore, in contrast to Rützel Ilves did not try to use his informal contacts with members of parliament and government to influence the content of legislation, but he was rather concerned with its form.⁸⁸

Ilves' idea of a more representative presidency is best exemplified by a constitutional amendment proposed early in his first term which can be said to have set the 'tone' for his whole presidency. In May 2007, Ilves proposed to parliament to strip the president of his right to nominate the Commander-in-Chief of the Armed Forces. After president Meri had still successfully contested changes to the president's position as Supreme Commander and thus ultimate superordinate to the Commander-in-Chief⁸⁹, Ilves proposed that, instead of the president, the Defense Minister should nominate the Commander-in-Chief. He also proposed to eliminate all references to the Commander-in-Chief from the constitution. He justified his proposal by arguing that the government and not the president was subject to parliamentary control. Therefore, the Commander of the Defence Forces had to be nominated by the government and its selection regulated by ordinary law (Ilves 2007; ERR 2011). The fact that Ilves pursued a decrease in presidential power early in his term and that his proposal had been prepared in extensive

⁸⁸ A respondent noted that if Ilves' advisors took part in consultations about new legislation, their sole focus lay on the legal-technical aspect.

⁸⁹ In 1994, Meri first vetoed the National Defense Act which allowed the government to use armed forces during peacetime in case of states of emergencies. After his veto was overridden he asked the Supreme Court to declare it unconstitutional. Instead of voiding the bill as a whole, the court simply excluded the contested passage (Elling 2001, 53).

meetings with all parties and the national defence committee show his commitment to a less powerful role of the president.

3.2.4 The activism of Estonian presidents in government formation, censure and dismissal

The Estonian constitution grants the president some discretion in the process of government formation (yet not in its dismissal or censure) but the powers are very limited. §89 of the Constitution stipulates without further specification of any criteria that the president nominates a candidate for Prime Minister who then has to be approved by the Riigikogu before formally forming a government. In case a proposed candidate is turned down – which has never happened – the president is allowed to present a further candidate before the legislature can present a candidate of its own. There is no constructive vote of confidence so that the president also has to designate a new candidate for Prime Minister if the Riigikogu passes a motion of no-confidence. In practice, the president's influence on the choice of Prime Minister has been very limited. It is in the logic of a parliamentary system that the president must nominate a candidate who is able to form a government supported by a parliamentary majority (at least at its vote of investiture).

Interestingly, for four out of the twelve cabinets formed between 1992 and 2010 Estonian presidents did not nominate the leader of the party that had received the most votes as Prime Minister (and twice the largest party was not even included in the government). Nevertheless, this has not been the result of presidents' attempts to influence government formation but rather the effect of political practicalities. In all cases the nominees were the only candidates able to form a coalition and were only nominated by the president after they had already formed a tentative coalition. Also, it was always the Centre Party (KE) that did not provide the Prime Minister or was not included in the

government at all. In 1999 when the KE won 28% of seats (compared to 18% by the runner-up IL led by the eventual Prime Minister Laar), the party still protested against the president's decision not to nominate its party leader. However, after meetings with all parties it was clear to president Meri that the Centre Party would find no coalition partners and therefore nominated Mart Laar as Prime Minister (BNS 1999). In 2003, president Rützel offered KE leader Edgar Savisaar to nominate him as Prime Minister as he had received more votes (the difference was so minimal that it did not result in more seats), yet Savisaar declined (BNS 2003) and blamed other parties for their unwillingness to form a coalition with him (Pettai 2004, 996). The only instance which could be remotely interpreted as active presidential involvement in the choice of Prime Minister or coalition partners occurred in 2010. After it had been revealed that Centre Party leader Savisaar had asked a Russian investor for a campaign donation for his party, Ilves declared that he would block the party's entry into government even if it received enough votes (Ummelas 2010).

Table 31: Provision of the Prime Minister and government participation of the largest party in Estonia

	Mart Laar I	Andres Tarand	Tiit Vähi I	Tiit Vähi II	Tiit Vähi II	Mart Siiman	Mart Laar II	Siim Kallas	Juhan Parts	Andrus Ansip I	Andrus Ansip II	Andrus Ansip III
PM leader of largest party	yes	no	yes	yes	yes	yes	no	no	no*	yes	yes	yes
Largest party in coalition	yes	yes	yes	yes	yes	yes	no	yes	no	yes	yes	yes

Notes: * In 2003 the Centre Party received more votes than Res Publica, yet the difference was so small (0.8 per cent) that both parties were subsequently allocated 28 seats in the Riigikogu (Pettai 2004).

Source: Lagerspetz and Maier 2010; Sikk 2014; Website of the Riigikogu at <http://www.riigikogu.ee>.

With regard to the appointment and dismissal of ministers the Estonian constitution leaves little discretion to the president as §§ 89 and 90 stipulate that the president appoints and dismisses members of the government on recommendation of the Prime Min-

ister. As organic law furthermore regulates that the presidents makes changes within three days of receiving the Prime Minister's request, the president has hardly any room for manoeuvre. Nevertheless, during a cabinet reshuffle in January 1994 president Meri refused to accept two of the four ministerial changes proposed by Prime Minister Laar (Raun 2001, 27).⁹⁰ Meri argued that given the good state of the economy and public finances a change in the respective ministries would not be necessary and that the replacement of ministers of Foreign Affairs and Defence during the proceedings of the 13th NATO summit in Brussels (10-11 January 1994) would be unwise (BNS 1994b). However, after increasing pressure from parliament and Prime Minister Laar, Meri eventually accepted the new nominations a few days later (EECR 1994a; Annus 2004). Since then, Estonian presidents have always fulfilled demands for censure by the Prime Minister, although it has been argued that the president might be able to refuse a nomination if a candidate is too inexperienced (Annus 2004).

This inactivity of Estonian presidents in government formation can largely be explained by the constitutional stipulations and regulations in organic law that unambiguously limit the president's discretion. Furthermore, the political realities and partisan majorities that the presidents confronted further limited their room for manoeuvre. President Meri's singular attempt to block a cabinet reshuffle should in this context not be seen as an attempt to overstep his constitutional authority, but as one to extend it with the approval of other parties. Only shortly before the incident Meri had refused to appoint several new judges without a legal basis but also without causing any controversy (Annus and Tavits 2004, 714; Tavits 2008, 61).⁹¹ Thus, after he had accepted several

⁹⁰ He accepted the changes of the ministers of Foreign Affairs and Defence but objected to the dismissal of the ministers of Economy and Finance.

⁹¹ The Act on the Office of the President that specified potential reasons for refusal – albeit vaguely – was only passed in 2001 (Tavits 2008, 61).

changes to the cabinet composition before, he could now expect that his actions were at least partly justified by an evolving constitutional practice.

3.2.5 Estonia – Indirect elections and the diminishing role of the presidency

Explaining the activism of Estonian presidents is not straightforward. On the one hand, some factors relating to the political environment, such the size of the government's seat share and the relations between president and government, had the effects assumed by my theoretical framework (with the exception of Rüütel's vetoes to defend his party's interests). The relevance and effects of these factors were also confirmed when vetoes were contrasted with other, non-vetoed legislation. As expected, Meri was less active in his second term in office, presidents also did not use their vetoes directly after a new government was installed and vetoed more frequently closer to parliamentary elections. However, although comparatively high throughout, parliamentary fragmentation did not weaken parliament and increase presidential activism. Governments still easily found allies when special override majorities were needed or one of the coalition partners voted against a particular bill. Likely for the same reason, the minority governments of Tiit Vähi (11/1996-1997) and Andrus Ansip (06/2009-03/2011) were not subject to a higher increase in presidential activism.⁹² In the Estonian case, a measure of the ideological polarisation of the assembly might therefore be a better operationalisation of parliamentary weakness and the legislature's ability to agree on a veto override.

The indirect election of the president appears to have had the strongest influence on presidential activism, although its effect was delayed by Meri's semi-popular election in 1992 and the fact that the law on presidential elections was only passed shortly before his re-election. The dependence of the president on parliament became more pro-

⁹² Nevertheless, the number of vetoes in both cases was still higher than when they still held a majority.

nounced with Meri's re-election as parties made it clear that they would only vote for him if he decreased his activism.⁹³ Since then presidential activism has constantly decreased and presidents' have – similar to parliament and government – seen their legitimacy and authority as limited.⁹⁴ The fact that Rützel catered so strongly to his party's interest can also be understood as an acknowledgement of his dependence on parliament. Under Ilves even the role of check-and-balance on the government was largely left to be fulfilled by the Chancellor of Justice. The prominent position of the latter in general and the fact that the Chancellor's responsibilities were increased since 2007 in particular (Chancellor of Justice Act 2013) may have had an additional effect.

3.3 Presidential activism in Poland

Polish presidents, particularly former Solidarity leader Lech Wałęsa, and their activism have been subject to many studies (e.g. Simpson 1996; Jasiewicz 1997; Zubek 1997; Millard 2000; van der Meer Krok-Paszkowska 1999; McMenamin 2008; Tavits 2008; Leszczyńska 2011; 2012). Nevertheless, through its mixed-methods approach and reliance on original interview data the analysis still produces new insights into presidential activism in Poland. The findings of my statistical model and reasoning of my theoretical framework are corroborated as the effects of the president-government relationship, the parliamentary seat shares (or lack thereof) of presidential and governmental parties, and popular elections on presidential activism can be demonstrated. Polish presidents stressed that their responsibility was towards their voters rather than other institutions which was also a key motivation for their activism. They acted independently from parliament and government and other political actors tolerated their activism precisely be-

⁹³ A fact acknowledged by both my expert and political respondents.

⁹⁴ From the early nineties, representatives of parliament and government often cited the example of German president Richard von Weizsäcker as the ideal (i.e. inactive and uncontroversial) role model of the president (BNS 1994a).

cause of presidents' direct legitimation through popular elections. Furthermore, similar to the Estonian case the analysis suggests two additional predictors of presidential activism, i.e. divisions over policy within government coalitions and the president's links with the junior coalition partner. In addition, the case study provides further insights into the effects of the override threshold on presidential activism and its interaction with other variables. Last, the analysis of presidential involvement in government formation, censure and dismissal is equally insightful and challenges prevalent assumptions. For instance it is shown that presidential involvement is more likely under unified relations and is not necessarily reflected in the number of non-partisan ministers.

3.3.1 Wałęsa – Pawlak II: Presidency-centred factors trump personality

Table 32: Summary of key information – Wałęsa-Pawlak II (19/1993-03/1995)

Episode start:	10/1993	Episode end:	03/1995
President:	Lech Wałęsa (non-partisan)	Prime Minister:	Waldemar Pawlak (PSL)
In office since:	12/1990	In office since:	03/1995
Government composition:	PSL, SLD		
Government seat share:	66% (episode start), 65% (episode end)		
Effective No of parties:	3.88 (episode start), 4.03 (episode end)		
Number of vetoes:	9 vetoes / 0.56 per month		
Model prediction:	8.60 vetoes / 0.54 per month		
Reasons for selection:	Very well predicted and overall representative of Wałęsa's activism		

When Waldemar Pawlak was nominated as Prime Minister by Wałęsa for the first time, he still had to bow to the president's wishes like all his predecessors. Yet this time, with the Democratic Left Alliance (SLD) and an impressive parliamentary majority on his side, Pawlak's government was the first cabinet able to challenge Wałęsa on his previously unchecked activism. The coalition of SLD and PSL (Polish Peasant Party) almost held a constitutional majority (Jasiewicz 1994, 406-407) and with the number of parliamentary parties heavily reduced, Wałęsa was no longer able to take advantage of a

fragmented Sejm and unstable governments (Jasiewicz 1997, 136-141; van der Meer Krok-Paszkowska 1999, 179-182). In addition, the Non-Partisan Block for the Support of Reforms (BBWR) – to which Wałęsa had initially lent his support in the electoral campaign but later retracted it – won only 5.4% of the vote and failed to play a significant political role (Jasiewicz 1997, 149).⁹⁵ The relationship between the coalition partners was characterised by mutual mistrust and a number of conflicts over ministerial nominations. At the same time the parties were at least initially united in defending their policies against interference of the increasingly unpopular president (Jasiewicz 1996, 438; van der Meer Krok-Paszkowska 1999, 182-185).⁹⁶ Nevertheless, as parties represented very different electorates they were at variance on a number of key issues and genuine reforms were postponed (Jasiewicz 1994; 1995).

Table 33: Vetoes by president Lech Wałęsa during Pawlak II

Vetoes discussed	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Law amending the Penal Code	11/06/1994 (241/350)	4/07/1994	Override failed (02/09/1994; 232/411)
2) Law amending the electoral ordination of municipal councils	10/03/1994 (267/298)	20/04/1994	Override failed (21/04/1994; 166/303)
3) Law amending the Law on combatants and person who were victims of repression during and after the war	01/12/1994 (197/322)	25/01/1995	Override failed (16/02/1995; 185/385)
4) Law amending certain laws regulating the principles of taxation and certain other laws	16/11/1994 (332/357)	25/11/1994	Override (02/12/1994; 327/422)
5) Law on the configuration of funds for salaries in the public sector and amendments to certain other laws	14/12/1994 (238/374)	21/12/1994	Override (23/12/1994; 301/425)
6) Law amending the law on the duties and rights of deputies and senators	22/04/1994 (358/363)	09/09/1994	Override (07/07/1994; 356/382)
Total: 10 vetoes / 8.1 % of all bills passed			

Notes: Table only lists details for vetoes discussed in analysis.

⁹⁵ Andrzej Olechowski, who on Wałęsa's suggestion became foreign minister had run as the BBWR's candidate for Prime Minister and even drafted the movement's programme, yet he had never been an official member.

⁹⁶ Given the ambiguities of the 'Small Constitution', they still had to accept Wałęsa's nominees for the ministries of foreign affairs, defence, and interior.

The episode is overall very well predicted by the statistical model. Despite the strengthened parliament and government compared to the first three years of Wałęsa's term in office, the episode is still typical of Wałęsa's presidency insofar as president and government are in cohabitation but the Prime Minister still cooperates with the president to strengthen his party's position. Wałęsa's veto use is also midway between his most active and least active episodes so that it should theoretically show representatively which factors influenced presidential activism. Furthermore, the level of parliament's legislative output remained very stable throughout the episode so that this factor can be excluded as a reason for vetoes. The main explanation for Wałęsa's vetoes during the episode appears to be the cohabitation with the government. Divisions between and within the government parties also prove to be an important explanatory factor. While many respondents mentioned Wałęsa's personality as an abstract explanation for his activism, it is difficult to fully disentangle a potential influence of president-centred factors from the effects of popular elections and cohabitation.

Veto of the Penal Code

In 1990 and 1993, the governments of Tadeusz Mazowiecki and Hanna Suchocka had passed several measures that severely constrained possibilities to obtain an abortion (Simpson 1996, 330-332). The amendments to the penal code in 1994 were aimed at reversing part of this reform by once again allowing abortions for 'social' reasons (rather than only when the mother's life was threatened) and allowing private doctors to perform the procedure. The SLD was the driving force behind the liberalisation but the amendments were opposed by a majority of PSL deputies (only one quarter voted in favour of the bill). Thanks to almost unanimous support from the Labour Union (UP) and half of the Freedom Union (UW) deputies, the bill still passed with a clear majority

(Sejm Voting Record 11/06/1994).⁹⁷ Wałęsa had supported a tightening of the regulations on two previous occasions, so that his position on the issue was known.⁹⁸ When he returned the bill, Wałęsa did not mention any substantive reasons. However, he made clear that he would not sign the bill even if it was re-adopted, whereby the only way that parliament could have responded to such a ‘pocket veto’ would have been impeachment (Jasiewicz 1997, 151). The Sejm failed to override the veto – SLD, UP, and half of the UW continued to support the bill but 90% of PSL deputies voted against it (Sejm Voting Record 02/09/1994).

The main reason for the veto appears to have been Wałęsa’s personal opposition against the bill; the division between the coalition parties and the high profile of the bill provide a further explanation, yet it can be safely assumed that he would have vetoed the bill regardless. Nevertheless, the high override threshold (2/3 relative majority) at the time strengthened Wałęsa’s position considerably – had the threshold been lower, parliament would have been able to override the veto. Even though my statistical models include the size of the government seat share, in this case it fails to take into account the difference between Poland and the other countries.⁹⁹ In addition, the veto highlights a pattern of cooperation between Pawlak and Wałęsa. Pawlak was indebted to Wałęsa for becoming Prime Minister even though the PSL was only the junior coalition partner. The PSL also relied on the president as a partner to stand up against the SLD. Similar voting patterns of the PSL can also be observed for Wałęsa’s vetoes of the communal

⁹⁷ However, both parties demanded a more wide-reaching reform and debate on the issue (Sejm Stenographic Record 28/05/1994).

⁹⁸ Wałęsa neither publicly threatened with a veto, nor did he mention a potential veto to cabinet members. As relevant respondents also told me, they still expected a veto due to Wałęsa’s almost parochial piety (illustrated amongst others by the fact that his personal chaplain was present at many important political meetings).

⁹⁹ Nevertheless, as mentioned in the previous chapter the way to control for it in the statistical analysis would have equated to a dummy variable for Poland and would not have been adequate or very informative.

election law and the law on combatants and war victims which both failed to be overridden.

The particular importance of cohabitation, inter-governmental divisions and the high public profile of bills can be demonstrated by looking at other legislation passed at the time. For instance, in May 1994 parliament passed changes to the law on criminal procedures. These amendments were meant to bring regulations on complaints in line with European standards and had not been subject to conflict within the coalition. Thus, they were eventually passed with the votes of the government parties. Despite a sizeable number of abstentions from the opposition and the BBWR in particular (Sejm Voting Record 13/05/1994)¹⁰⁰, Wałęsa did not veto the bill. Overall, the amendments had a very low public profile and were not at the core of the coalition's legislative programme. Moreover, as government parties were united on the issue, a veto override would have been extremely likely. The 1995 census bill on the other hand shows that the mere potential of seeing a veto sustained is not always enough to trigger a presidential veto. Rather, it (only) becomes important when the president also objects to the content of legislation. The census bill was fiercely opposed by the liberal UW (Sejm Voting Record 14/12/1994)¹⁰⁰ which would have been able to block a veto override together with the votes of the BBWR (which would have likely acquiesced with a potential request by the president to vote against the bill). Nevertheless, unlike the UW Wałęsa had no objections to the content of the bill and therefore did not use his veto.

Veto of tax laws

In November 1994, parliament passed a bill which stipulated amendments to a number of laws and amongst others raised the income tax. As the government feared that

¹⁰⁰ Wałęsa only very rarely made use of public or informal veto threats and the opposition of the BBWR usually proved to be a good predictor of presidential objections to bills for government parties.

Wałęsa would veto it, parties took several measures to prevent a veto (although according to my interviews there were no direct negotiations).¹⁰¹ The bill passed with a clear majority and after Wałęsa vetoed the bill on the basis that it violated the constitutional principle of the uniformity and consistency of the legal system, it was quickly overridden. Seeing that his veto did not delay the bill enough to also delay the passage of the budget, Wałęsa sent the bill to the Constitutional Tribunal (Jasiewicz 1997, 153). The Court scheduled a hearing for late December.¹⁰² However, Wałęsa's representative deliberately failed to appear in court, causing a further delay of the process. Eventually, the Tribunal ruled against the president (Polish Constitutional Tribunal 1995a) and Wałęsa had to sign the bill; he then immediately resubmitted it to the Court with a broader question (Jasiewicz 1997, 153). The decision – now in his favour – was announced in March (Polish Constitutional Tribunal 1995b). However, in early February Wałęsa also refused to sign the budget as it relied on the income tax increase and sent it to the Constitutional Tribunal for review, too.

The reason for these delaying tactics was not an actual constitutional objection to the tax bill or the budget but rather Wałęsa's wish to dissolve parliament. A delay of more than three months in passing the budget since the presentation of its first draft would have given him the opportunity to do so.¹⁰³ The fact that Wałęsa withdrew his objections once parties agreed to acquiesce and remove Pawlak from premiership (Jasiewicz 1997, 153) supports this explanation. This highlights once again that presidential vetoes can also be successful if they simply delay the implementation of a law (rather than block it completely). The vetoes also demonstrate some strategic considerations of the

¹⁰¹ The government declared the bill as 'urgent' so that Wałęsa had only seven days (rather than thirty) to sign it. This way a potential veto could have been overridden before the new year and the projected income could still be included into the 1995 budget. The accumulation of amendments to several laws into one bill had been an additional strategy to prevent a veto (Gazeta Wyborcza 1994).

¹⁰² In the meantime, parliament had also passed another budget-related bill on wages in the public sector (also declared as 'urgent') which Wałęsa vetoed but parliament passed again only two days later.

¹⁰³ Nevertheless, as Wałęsa himself had caused the delay such a move was constitutionally questionable.

president which were not discussed or included in my theoretical framework. While I mentioned that it might be possible that presidents veto (or threaten to do so) in order to press concessions from the government, the combination of several powers to block a bill was not foreseen and merits further investigation – particularly because Wałęsa used similar tactics on other bills as well.¹⁰⁴

Lech Wałęsa – A president trying to adjust his hat

‘To attempt to propose today what the office of the president is to be in the future is like choosing a hat and adjusting the head to fit that.’ (Lech Wałęsa)¹⁰⁵

The analysis of this episode has shown that while Wałęsa’s activism corroborates the model results there are some additional factors that need to be considered. Overall, cohabitation as well as divisions within the government (a factor also found in Estonia) played a significant role in his use of vetoes. The hyper-fragmentation of the Sejm 1991-1993 and unstable governments also appear to explain his previous activism. Nevertheless, the veto of the income tax bill and its aftermath highlight that his main motivation was to (re)gain control over the government. This motivation can partly be explained by his popular mandate, which up until the 1991 Sejm elections had given him a ‘legitimacy advantage’ over government and Sejm (Jasiewicz 1997, 136f). Furthermore, Wałęsa was able to use the exceptionally high override threshold in combination with intra-governmental divisions to his advantage. Nevertheless, the comparison with non-vetoed legislation demonstrated that the mere potential to see a veto sustained was not enough to trigger activism but that the bill’s content also needed to differ from the president’s policy preferences.

¹⁰⁴ See for instance Wałęsa’s veto of amendments to the status of deputies and senators. Once his veto was overridden, he immediately requested a judicial review for the bill. Even though government and parliament generally knew when to expect a veto, they could never foresee the lengths to which Wałęsa would go to block or delay the bill.

¹⁰⁵ Quoted in Kolankiewicz (1993, 99).

More often and more strongly than in relation to any other president in the four countries studied, my respondents advanced on their own accord idiosyncrasy and personality as explanations for Wałęsa's activism. From interviews with political and expert respondents alike it appears that Wałęsa perceived that he was entitled to 'more power'. He derived this entitlement not only from his popular mandate but also from his achievements as leader of Solidarity and his limited grasp of constitutional principles and questionable interpretation of his prerogatives.¹⁰⁶ This perception might have been furthered by the unclear regulations of the Small Constitution. Wałęsa's idiosyncrasy and individual perceptions cannot be discounted as an explanatory factor. Nevertheless, Wałęsa's presidency also demonstrates the difficulties of disentangling the effect of presidency- and president-centred factors. On the one hand it can be argued that president-centred factors – at least in this episode – were largely absorbed by variables relating to the institutional setting (popular election and presidential powers). On the other hand, effects might have coincided. Furthermore, the finding that a favourable parliamentary arithmetic only triggered activism in combination with objections to the content of a bill raises the question to what extent policy preferences should be seen as relating to the political environment or the to individual characteristics of office-holders.

¹⁰⁶ The latter is exemplified for his repeated and clearly unconstitutional threats to dissolve parliament (Millard 2000, 47, 51) as well as the threat of a pocket veto of the penal code. Wałęsa also suggested the introduction of a presidential system (Leszczyńska 2011, 56).

3.3.2 Kwaśniewski I – Buzek I: The government submits to presidential leverage

Table 34: Summary of key information – Kwaśniewski I-Buzek I (10/1997-06/2000)

Episode start:	10/1997	Episode end:	06/2000
President:	Aleksander Kwaśniewski (SLD)	Prime Minister:	Jerzy Buzek (AWS)
In office since:	12/1995	In office since:	10/1997
Government composition:	AWS, UW		
Government seat share:	57% (episode start), 53% (episode end)		
Effective number of parties:	2.95 (episode start), 3.26 (episode end)		
Number of vetoes:	8 vetoes / 0.26 per month		
Model prediction:	12.41 vetoes / 0.40 per month		
Reasons for selection:	Outlier/overpredicted episode		

In a combined effort the parties that emerged from the Solidarity movement had formed an electoral alliance (AWS) and won the election against the SLD in 1997. Despite their election victory, Prime Minister Buzek’s coalition could offer only little resistance to the popular president. Kwaśniewski’s SLD held 35% of seats so that the government was almost always unable to reach the 3/5-majority necessary for overriding his vetoes. While the coalition was relatively united during its first year, greater conflicts began to appear in 1999 as parties clashed over the health care and social security reforms (Jasiewicz and Jasiewicz-Betkiewicz 2000, 494f). AWS deputies also repeatedly voted against government policies (Jasiewicz and Jasiewicz-Betkiewicz 2000, 496; 2001, 387) and left the alliance’s party group to set up their own factions. At the same time, Kwaśniewski challenged the government on questions of how to deal with the communist legacy, administrative reform and social/education policies. These plans – often described under the umbrella of ‘de-communisation’ policies – were at the core of the centre-right government’s legislative agenda and electoral manifesto. Although the president had a diametrically opposed view on these issues, parties initially pursued their policies regardless in order to fulfil the promises they had made to their electorate.

The episode is overpredicted by my model, meaning that Kwaśniewski vetoed less than expected. The analysis is thus aimed at identifying factors explaining why he did not veto more frequently and whether the variables included in the models worked differently than expected. A number of bills introduced from 1999 onwards concerned the implementation of the *acquis communautaire*. As Kwaśniewski was an avid supporter of Poland's EU accession, it was clear that he would not veto these bills (whose content was largely prescribed by EU regulations in any case). Nevertheless, in contrast to the Rüütel-Parts episode in Estonia, these bills were introduced in addition to the pre-existing parliamentary workload so that the total number of 'domestic' bills remained similar to the previous legislature. Therefore, EU-related legislation can be excluded as the reason for a lower number of vetoes.

Overall, Kwaśniewski issued eight vetoes during this episode (all but one of which were sustained), mostly on issues of interest for his or the party's electorate. Thereby, the strongest explanatory factors are the cohabitation with the government and the fact that he benefitted from the strong SLD presence in the Sejm which made veto overrides less likely. The latter eventually increased his leverage over the cabinet to the degree that the government anticipate presidential vetoes and made sure to get the president's approval before bills were even introduced in parliament. This influence of the presidential seat share appears to have been the main cause of the low number of vetoes. As this effect was unforeseen by my theoretical framework it will need to be discussed in greater detail when the findings of quantitative and qualitative analysis as subjected to a final comparative assessment in chapter 5.

Table 35: Vetoes by president Aleksander Kwaśniewski during Buzek I

Vetoes discussed	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Law amending the law on family planning, protection of the human fetus and conditions of permissible abortion	11/12/1997 (235/404)	26/12/1997	Override failed (30/12/1997; 260/444)
2) Law on the introduction of a primary three-level territorial division of the state	05/06/1998 (246/451) ¹⁾	02/07/1998	Override failed (03/07/1998; 247/437)
3) Law on the indexation of some pensions and in 1998 some pensions and retirement benefits and the amendment of certain laws	11/12/1997 (235/397)	23/12/1997	Override failed (30/12/1997; 258/444)
4) Law on the Institute of National Remembrance	22/09/1998 (237/404)	04/12/1998	Override (18/12/1998; 282/446)
Total: 8 vetoes / 2.6 % of all bills passed			

Notes: Table only lists details for vetoes discussed in analysis. 1) Date and majority for third reading in Sejm. Senate proposal to expand the number of voivodeships to 15 accepted by 195/400 deputies (195 abstentions) on 25/06/1998.

Veto of amendments to sex education

Sex education in schools had been a major issue for the right-wing parties (and the Catholic Church) since 1993/4 (Millard 1997, 93-94) and the AWS now tried to prevent it from becoming an individual school subject (Korbonski 2000, 126). Although the ideological background for the amendments was clear, the official justification for the bill were yearly savings of 51 million PLN.¹⁰⁷ To bypass further discussion the amendment was presented as part of other budgetary measures using the ‘urgency’ procedure. In contrast to its coalition partner, the UW was strongly divided over the issue and about half of its deputies joined the SLD in voting against the bill or abstained in the third reading (Sejm Voting Record 11/12/1997). Kwaśniewski had neither used his veto power under Buzek so far, nor had he substantively interfered in government formation. Government representatives therefore did not expect the president to use his veto.¹⁰⁸

The main reason for Kwaśniewski’s veto can be seen in the cohabitation between president and government. The bill went against the declared positions of the SLD and

¹⁰⁷ Ca. 14 million U.S.D at the time; less than 0.0004% of the overall budget (Sejm 1998).

¹⁰⁸ Nevertheless, the ‘urgency’ procedure was a potential safe-guard against Wałęsa-like delaying tactics.

Kwaśniewski, but the issue also had a strong symbolic value for the AWS and its supporters. Nevertheless, in his official justification Kwaśniewski objected to the lack of any calculations proving the savings in expenditure (Kwaśniewski 1997) and highlighted the loss of international aid for Poland in case the bill was passed again (Korbonski 2000, 126). Either way, public opinion was clearly in favour of the Kwaśniewski's position (CBOS 1998). Additional explanatory factors can be found in the SLD's large seat share in the Sejm and the high threshold required to override the veto. This, together with the divisions within the government and the UW¹⁰⁹ – 22 UW deputies voted against the override or abstained (Sejm Voting Record 30/12/1997) – secured the success of the veto. Furthermore, Kwaśniewski might have calculated that a (successful) veto early on in the government's term would increase his bargaining weight in future conflicts over policy.¹¹⁰ Overall, the working mechanisms of several variables from my statistical model are thereby confirmed. Nevertheless, these do not yet explain why their favourable constellation did not increase the use of vetoes. This only becomes clear when analysing the later veto of the regional government reform and taking the results of my elite interviews into account.

Veto of the regional government reform

The veto of the regional government reform has been described as 'nothing but a political tug of war' (Jasiewicz 1999, 492) and 'relatively insignificant' (Tavits 2008, 103).¹¹¹ However, my interviews and additional research show that Kwaśniewski's motivation behind the veto was to secure future votes for the SLD and for himself. Furthermore, the

¹⁰⁹ The UW had also decided not to impose party discipline on its MPs (Sejm Stenographic Record 11/12/1997).

¹¹⁰ This would corroborate the assumption that presidents will attempt 'to build a more extreme reputation and thereby extract concessions in subsequent, related legislation' (Cameron 2009, 376). Although the results of interviews from Kwaśniewski's aides showed that this was not the main reason for the veto, some nonetheless acknowledged that this was a beneficial side-effect.

¹¹¹ Tavits (2008) also incorrectly describes this as a case of a veto threat (Tavits 2008, 103).

veto corroborates the assumptions of my theoretical framework and provides an explanation for the episode's overprediction which also has potential consequences for the assumptions of the theoretical framework.

The introduction of a new administrative structure was one of the most important reforms of the AWS-UW coalition (Millard 2000, 56). Their original plans reduced the number of voivodeships (provinces) from 49 to 12, whereas the SLD proposed 17 instead (Jasiewicz 1999, 491).¹¹² Kwaśniewski initially agreed with the government which according to my interviews had been in negotiations with the president to secure the reform's passage from early 1998 onwards. Nevertheless, he eventually supported the SLD's plans (Millard 2000, 56; Paradowska 2005b, 14f). To prevent a veto override, the coalition parties changed the bill to create 15 voivodeships as a compromise (Jasiewicz 1999, 492). However, Kwaśniewski immediately vetoed it and argued that 17 voivodeships were necessary to accommodate different socio-cultural identities (Kwaśniewski 1998). The Sejm failed to override the veto so that AWS, UW and SLD agreed on 16 voivodeships in the end (Jasiewicz 1999, 426).

Kwaśniewski's veto can again largely be explained by his cohabitation with the government. The reform presented a further step towards the country's 'de-communisation' (Yoder 2003, 272; Brusis 2013, 413), an issue that also provoked two other presidential vetoes.¹¹³ Furthermore, the veto was an opportunity for gerrymandering to the SLD's and Kwaśniewski's advantage. Before the final passage, Kwaśniewski had himself travelled to several regions in Western Poland promising more than 15 voivodeships (Steinhagen 2008). A member of Kwaśniewski's office was furthermore tasked with conduct-

¹¹² After the presentation of the exact territorial divisions evoked protests from citizens and local politicians (Yoder 2003, 272), the SLD's suggestion led to a steep increase of its approval ratings (Paradowska 2005b, 15).

¹¹³ The establishment of the Institute of National Remembrance handling Communist-era secret service files and changes to the pensions of previous members of military and police were also vetoed by Kwaśniewski during the episode (Millard 2000, 56; Jasiewicz and Gebethner 1998, 503).

ing their own consultations with regional representatives (who backed the SLD's plan of 17 voivodeships), which also stresses the president's motivation to act independently from other institutions and in the interest of his own electorate. The main conflicts over territorial divisions appeared in the urbanised west, the electoral strongholds of the SLD at the time (Brusis 2013, 414f).¹¹⁴ In the local elections of October 1998, the SLD subsequently won most of their support in the 'added' voivodeships (Millard 2000, 56; Szczerbiak 1999, 89). Kwaśniewski, too, received most votes in these areas when re-elected two years later (Szczerbiak 2001).

As mentioned above, my interviews showed that the government was aware of Kwaśniewski's ability to easily block its policies and was therefore actively negotiation with the president. The president's powerful position meant that bills were sometimes changed in anticipatory obedience before the president could suggest any changes or that the government majority incorporated more of the SLD's suggestions made in parliament. While the results of my interviews with political and expert respondents clearly support the existence of this general mechanism, it was more difficult to obtain more specific examples.¹¹⁵ Nevertheless, based on the analysis of other government reform legislation at the time, the amendments to corporate tax rates in late 1999 appear to provide a case of Kwaśniewski's 'pre-emptive' influence. As the changes included the abolition of various tax credits that had previously been introduced by the SLD (e.g. for those employing disabled people), a veto seemed very likely. Throughout the drafting stages, the government therefore kept close informal contacts with the presidential office and Prime Minister Buzek met with Kwaśniewski several times to discuss the issue (Baczyński 1999). Furthermore, several of the SLD's suggestions were incorporated so

¹¹⁴ The fact that cities would gain power through becoming voivodeship capitals also explains why the SLD generally supported the reform (Brusis 2013, 415).

¹¹⁵ Given the large time span that has elapsed since these events, this should not be interpreted as a limitation on the general findings.

that even though its deputies eventually voted against the bill (Sejm Voting Record 18/11/1999), the content was largely in line with Kwaśniewski's less radical preferences.

Aleksander Kwaśniewski – The president as pivot of the policy process

Aleksander Kwaśniewski's veto use in this episode demonstrates the working mechanism of several factors included in my models, yet it also shows some unexpected effects of variables which can in turn explain the low levels of activism. In all his vetoes the cohabitation with the centre-right government played a major role (although the simultaneous strengthening of the SLD's position was certainly an additional factor). His activism was further increased by the narrow government majority and by divisions between the coalition parties – a factor not included in my statistical models yet also found in other episodes. The fact that Kwaśniewski did not veto more often despite this favourable constellation of factors lies in the large seat share of the SLD, which in combination with the higher override threshold exerted a much stronger effect than expected and was therefore not accurately captured by the statistical models. Not only could he be sure that his vetoes would be sustained, but due to the 3/5 majority necessary to override his vetoes, he also gained considerable leverage in negotiations with the government. As shown in the case of the corporate tax law, he could influence policy without needing to resort to using his formal powers. According to my interviews, Kwaśniewski oftentimes did not even need to exert any influence as the government had already anticipated his likely objections to legislation. This presents a highly interesting finding as this effect presents an extreme situation that was not considered in my theoretical framework. Finally, my respondents also frequently mentioned Kwaśniewski's popularity with the electorate as a means by which he could increase his leverage over the gov-

ernment. As this cannot be validated on the basis of one episode, I will return to the potential of public approval as an explanatory variable in chapter 5.3 ('Additional explanations').

3.3.3 Kaczyński – Tusk: Electoral promises as the reason for activism

Table 36: Summary of key information – Kaczyński-Tusk (11/2007-04/2010)

Episode start:	11/2007	Episode end:	04/2010
President:	Lech Kaczyński (PiS)	Prime Minister:	Donald Tusk (PO)
In office since:	12/2005	In office since:	11/2007
Government composition:	PO, PSL		
Government seat share:	52% (episode start), 51% (episode end)		
Effective number of parties:	2.82 (episode start), 3.00 (episode end)		
Number of vetoes:	16 vetoes / 0.57 per month		
Model prediction:	15.13 vetoes / 0.54 per month		
Reasons for selection:	Very well predicted; episode covers most of Kaczyński's presidency		

Lech Kaczyński had won the presidential elections against Donald Tusk almost two years ago. After the fall of the government of his identical twin brother Jarosław Kaczyński, Tusk's Civic Platform (PO) clearly won the 2007 snap elections and set course to revert the changes that the twins had introduced. President and government thus entered a phase of cohabitation. Despite being rocked by a number of scandals (e.g. the 'gambling affair'; Jasiewicz and Jasiewicz-Betkiewicz 2010, 1127), the coalition stood united and experienced little internal disagreements. Kaczyński and the government clashed most prominently on the attendance of European Council meetings and the Lisbon treaty (which Kaczyński initially refused to sign; Jasiewicz and Jasiewicz-Betkiewicz 2009, 1076); disagreements also concerned the coalition's plans to privatise health care and to reform the judiciary.

The episode is one of the best predicted episodes for Poland and even though other episodes under Kaczyński were significantly shorter (ranging between one and twelve

months), it is representative of Kaczyński's activism as its patterns of activism were largely consistent over time. Furthermore, the episode shows a number of parallels to the *Kwaśniewski I–Buzek I* episode analysed above. It starts after the president had been in office for two years at the beginning of episode, the president's party was ousted from government but still with significant seat share (Law and Justice [PiS] even slightly increased its seat share in the 2007 elections), president and government are in cohabitation, and presidential elections are approaching. Furthermore, the government was attempting to implement a relatively comprehensive reform agenda that stood in clear contrast to the president's declared policy position. The analysis should theoretically not only corroborate the results of my statistical models but also show some similarities to the findings above.

Overall, Kaczyński's vetoes were mostly determined by his opposition to the government's policies which were in many cases diametrically opposed to the policy positions of his party.¹¹⁶ His vetoes also aimed to protect his party's influence in various state institutions. Kaczyński's popular mandate played a role insofar as he declared to be the president of a particular political programme and was fulfilling his electoral promises through activism. Overall, Kaczyński used his veto 16 times (7 vetoes were overridden) or on 2.8% of all bills, respectively, which is only slightly more than Aleksander Kwaśniewski during the first Buzek government. PiS did not command as many seats as the SLD under Buzek, yet was still the second largest party in parliament. While this increased Kaczyński's leverage over the government parliamentary majority, it did not have the same effect on presidential activism as it had during the *Kwaśniewski I–Buzek I* episode.

¹¹⁶ For this reason president Kaczyński had threatened to veto all bills of a government led by Donald Tusk already in late 2006 (PAP 2006).

Table 37: Vetoes by president Lech Kaczyński during Tusk I

Vetoes discussed	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)*
1) Law amending the law on radio and television and other laws	18/03/2008 (231/437)	16/05/2008	Override failed (25/07/2008; 245/447)
2) Law on health care facilities	21/10/2008 (231/423)	27/11/2008	Override failed (19/12/2008; 243/449)
3) Law on the particular authorisations of employees in health care facilities	21/10/2008 (234/426)	27/11/2008	Override failed (19/12/2008; 242/449)
4) Law on the regulations implementing laws in the area of health care	21/10/2008 (235/418)	27/11/2008	Override failed (19/12/2008; 242/449)
5) Law amending the law on the public prosecution	16/07/2009 (279/439)	18/09/2009	Override (09/10/2009; 264/420)
Total: 16 vetoes / 2.8 % of all bills passed			

Notes: Table only lists details for vetoes discussed in analysis. *Date and majority for third reading in Sejm; vote and discussion of Senate amendments on 25/04/2008 (media law), 06/11/2008 (health care reform) and 28/08/2009 (law on public prosecution).

Veto of media law

Kaczyński's first veto during the selected episode concerned amendments to the media law and the National Radio and Television Council (KRRiT) which is in charge of allocating broadcasting licenses. Since its establishment in 1992 the KRRiT and its composition (members are appointed by president, Sejm and Senate) had been subject to political conflict between president, parliament, and government.¹¹⁷ In the latest changes in December 2005, PiS, Self-Defence (SO) and the League of Polish Families (LPR) decreased the number of council members from nine to five and widened the council's powers with regard to licensing and the control of journalists' adherence to a controversial ethics code (Interia.pl 2005). Apart from updates to the law with regard to digital media, the changes introduced by the Tusk government were aimed at shortening the terms and eventual replacement of members appointed by PiS, SO, and LPR. The bill was passed with votes of the coalition, whereas PiS voted against it and the 'Left and Democrats' (LiD – electoral alliance headed by the SLD) collectively abstained (Sejm

¹¹⁷ In 1994, Lech Wałęsa fired the council's chairman in a constitutionally questionable move and exchanged the majority of his nominees (Jasiewicz 1995, 453f). In 2003, Aleksander Kwaśniewski publicly called for the resignation of all members of the council in the wake of the Rywin affair (RMF24 2003) although only the council's secretary – one of Kwaśniewski's nominees – was accused (Jasiewicz and Jasiewicz-Betkiewicz 2004, 1113).

Voting Record 18/03/2008). Kaczyński's chances of seeing his veto sustained were thus equal to those of the government's success.¹¹⁸ Before parliament reconsidered the bill, both PO leadership and Kaczyński actively sought to convince SLD chairman Napieralski to vote in their favour¹¹⁹, yet SLD deputies eventually abstained and the override failed.

Similar to Kwaśniewski, Lech Kaczyński was thus able to use his party's large seat share (158 of 460 seats/34%) in combination with the high override threshold to block a veto override which created an opportunity for him to become active. Nevertheless, due to the great importance of the bill for his party and its allies it can be reasonably assumed that he would have vetoed it regardless. This assumption is also supported by the fact that in the press conference after vetoing the bill Kaczyński explained his veto and general opposition to the bill by declaring that he had been elected president to represent a specific political programme (Polish Presidential Office 2008b). Furthermore, it highlights not only the principal-agent relationship between voters and the (directly elected) president but also the need for activism resulting from a popular mandate. Last, the negotiations preceding the failed override attempt also show how low rather than high parliamentary fragmentation can sometimes weaken the government and facilitate the bargaining process for the president.

Early on during Tusk's term in November 2007, president Kaczyński already faced a similarly favourable situation to veto, yet eventually refrained from using his powers. When the government proposed to keep funds for the rehabilitation and integration of

¹¹⁸ The latter is highlighted by the fact that LiD was far less disciplined when the Sejm voted on corrections proposed by the Senate (Sejm Voting Record 25/04/2008).

¹¹⁹ While the negotiations with Kaczyński became widely publicised, according to my interview with Gregorz Napieralski the president initially wanted to keep it secret but bowed to Napieralski's condition of publicity. Another respondent affiliated with the SLD confirmed that similar negotiations had taken place with Napieralski's predecessor. In talks on the day of the override attempt, the PO offered to make further amendments to the bill once the veto was overridden, yet this was eventually rejected by the SLD leadership.

the disabled in the workforce at the same level, this move was not only opposed by Kaczyński's PiS but also by LiD. While parties objected to different aspects of the legislation, they both criticised that it was not clear how and to what extent any proposed measures could be financed (Sejm Stenographic Record 06/12/2007). The government would have been unable to override a veto given that PiS and LiD cohesively voted against the bill (Sejm Voting Record 06/12/2007). Furthermore, social issues were at the heart of Kaczyński's policy programme, so that a veto could have been expected. It also would have helped to raise his party's profile early on during Tusk's premiership. Nevertheless, the government eventually promised to incorporate the higher expenditure mandated by the bill into the 2008 budget and Kaczyński signed the bill.

Veto of health care reforms

Kaczyński not only used his veto to block the reversal of policies implemented by his twin brother's governments but also specifically targeted parts of the coalition's reform of the welfare system (Vetter 2010, 4). In November and December 2008 he vetoed three out of the six bills relating to the government's health care reform. At the time of the bills' introduction in the Sejm, Kaczyński used his right to call a meeting of the Cabinet Council ('Rada Gabinetowa') – a meeting of the cabinet under the president's chairmanship on topics of particular importance (included in the 1997 constitution as a weakened version president's right to call and chair regular cabinet meetings under the Small Constitution) – that was specifically dedicated to the healthcare reform (Polish Presidential Office 2008a).¹²⁰ PiS – which also chaired the parliamentary committee on health policy – was furthermore particularly active in suggesting amendments to the bill

¹²⁰ This is remarkable in so far as there had only been ten meetings since 1997 and previous meetings had only been called to discuss larger reform agendas, particularly those needed for EU and NATO accession, and thus concerned topics within the presidency's constitutionally defined remit of influence (Leszczyńska 2007, 421).

and initiated a (unsuccessful) no-confidence motion against health minister Ewa Kopacz in July 2008 (Czerwiński 2008) while the president reiterated his threats to veto the whole healthcare reform package (PAP 2008a). After all six bills passed Kaczyński vetoed three of them, namely those relating to hospital staff and the transformation of hospitals into commercial entities. In particular, he criticised that there were no safeguards if privatised hospitals failed to guarantee the sufficient provision of healthcare. As the regulations in all bills were interdependent, the vetoes also prevented the other bills from coming into force (PAP 2008b) and when override attempts for all bills failed, the reform was abruptly brought to a halt.

While Kaczyński's opposition to changes in the media law was largely motivated by party patronage, his refusal to sign the health care reform bill was rooted in his party's general hostility towards the privatisation of state services.¹²¹ At the same time, Kaczyński also vetoed five other government bills – based on my interviews it appears likely that this was in order to press concession from the government. Nevertheless, the government neither negotiated on these with the president and his brother Jarosław Kaczyński as PiS party leader, nor were there negotiations with the SLD (whose opposition to the health care reform had also been part of the negotiations between Kaczyński and Napieralski mentioned above).

In contrast to these bills, the president did not use his veto on any bill related to the government's tax reforms. This is particularly noteworthy as Kaczyński had repeatedly declared that he would veto any tax reform bills from a potential PO-led government (Paradowska 2005a; PAP 2006). Given that tax-related bills during this episode mostly proposed a lowering of taxes or exempting specific payments from income tax, neither the president nor PiS – which voted with the government parties on these bills – openly

¹²¹ Another example of such a policy-based veto was his refusal to sign the law on the general prosecutor's office. The law established a break-up of the personal union of the office of the general prosecutor and the minister of justice which PiS opposed on principle (Polish Press Agency 2009; Vetter 2010, 5).

opposed this legislation. At first glance this suggests an indirect influence over legislation similar to Aleksander Kwaśniewski's increased leverage over the Buzek government. However, as the government otherwise refused to negotiate with the president and my respondents gave no indication of consultations in this specific case, such a scenario seems less likely. Rather, it appears that the coalition parties strategically decoupled the proposed tax cuts from the cuts in state expenditure that would be needed to balance them.

Lech Kaczyński – President of all his voters

The described vetoes once again show the importance of cohabitation as a factor in explaining presidential veto use. Similar to Kwaśniewski, Kaczyński used his veto both to prevent policy change as well as to exercise patronage for fellow party members. Kaczyński's insistence on representing and implementing a (personal) political programme furthermore demonstrated the effect of his popular mandate on his use of vetoes. Nevertheless, in the peculiar case of the Kaczyński twins claiming the positions of both president and leader of the opposition, it is often difficult to pinpoint where the actual decisions to veto originated. My expert respondents as well as analysts (e.g. Ziemer and Matthes 2010; Vetter 2010) have consistently described Jarosław Kaczyński as being the driving force behind the political plans of the duo (particularly in domestic politics), while president Lech took care of implementing them. Despite its uniqueness, the case highlights that the degree of closeness and strength of ties of presidents with their (former) party plays a key role explaining their activism. The large seat share of PiS in combination with the 3/5 override threshold made it difficult for the government to pass bills again after they had been vetoed. In contrast to Kwaśniewski, Kaczyński formed an

alliance with the other opposition parties rather than government dissenters to block veto overrides.

The parliamentary arithmetic at the time also demonstrates that low parliamentary fragmentation can weaken parliament's ability to withstand presidential activism. Although in this particular case, the effect of the high override threshold cannot be discounted, this finding is contrary to the assumptions of my models which stated that higher fragmentation weakens parliament as it increases bargaining costs and makes building alliances more difficult. Due to the strong programmatic divisions between government and opposition, low fragmentation only decreased bargaining costs for the president but not for the governing coalition. Last, public opinion might be a factor that can explain why the government did not make any concessions to the president. Kaczyński's approval ratings were lower than those of the government and almost always decreased with every veto. The president could not increase his leverage by claiming to have more supporters behind him than the government and the coalition benefitted from ignoring the president's suggestions – even if it meant that they could not implement its policy programme.

3.3.4 The activism of Polish presidents in government formation, censure and dismissal

Formally, Polish presidents have not had significantly more powers in the area of government formation, censure and dismissal than their Estonian, Hungarian and Slovak counterparts. However, in practice their actual influence has often exceeded the letter of the law. The main reasons for presidential activism in this area can be seen in the timing of the first democratic presidential elections, the ambiguous stipulations of the Small Constitution and their legacy, and the highly fragmented party system. In contrast to

previous assumptions (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b), presidents interfered most often when their own party was represented in the government, not during cohabitation.

The heavily amended Communist Constitution placed formal authority over government formation, dismissal, and censure in the hands of the Sejm, although the president could nominate candidates for Prime Minister (Leszczyńska 2011, 44). Yet, when Lech Wałęsa was inaugurated in December 1990 he enjoyed a ‘legitimacy advantage’ over the Sejm (Jasiewicz 1997, 137) which had still been elected under semi-competitive rules (Ziemer and Matthes 2010, 240). This situation placed more power in the hands of the president who largely controlled the formation of the Bielecki government (Jasiewicz 1992; Leszczyńska 2011, 51). After the first free elections in October 1991, Wałęsa continued to play a key role and benefitted from the Sejm’s high fragmentation. Although he was now unable to influence the exact portfolio allocation, Wałęsa was still crucial in shaping the coalition’s party composition (Leszczyńska 2011, 52f). Following the fall of the Olszewski government, he then not only nominated Waldemar Pawlak of his own accord but also had his choices for ministers of foreign affairs, defence, and interior nominated.¹²² From the Suchocka government onwards (particularly under Pawlak’s second premiership) Wałęsa also repeatedly refused to comply with the requests of parties or the Prime Minister to replace cabinet members. The main reason for Wałęsa’s activism seems to be that given the fragmented Sejm parties were unable to confront the president or assemble an alternative coalition. Furthermore, a respondent

¹²² The ‘Small Constitution’ and its stipulation that the president needed to be ‘consulted’ on the candidates for these ministries would only come into force seven months later (what this consultation entailed was not further specified). However, Pawlak – as well as the parties making up the Suchocka cabinet one month later – already then accepted the president’s control over these offices.

According to several respondents from the government side, this even went so far that Wałęsa was able to push through his choice of deputy ministers (MPs with rank of undersecretary of state) in the ‘force ministries’. Later confronted with a stronger parliament, he required parties to submit three candidates from which he then chose candidates for these ministries.

from the presidential administration pointed out that because Wałęsa had won the presidential elections with almost three-quarters of the vote parties considered his legitimacy to be higher than theirs.

Aleksander Kwaśniewski was overall slightly less actively involved in the formation of governments. He largely refrained from any interference in the formation and censure of the Buzek governments, yet was always strongly involved in the formation of the SLD-led governments of Cimoszewicz, Miller and Belka. It was Kwaśniewski who chose Cimoszewicz as Oleksy's successor (Leszczyńska 2012, 405f) and installed one of his former aides as the minister of interior. In the formation of the first Miller government Kwaśniewski was less influential. Other than in 1996, when Kwaśniewski had only just resigned as party leader and could therefore rather freely appoint Cimoszewicz as Prime Minister, the appointment of SLD leader Miller was now dictated by the electoral result. Nevertheless, he still saw his candidates for ministers of finance, foreign affairs and interior appointed. He also tried to suggest a candidate for the ministry of justice and attempted to block Leszek Miller's choice for the treasury (Leszczyńska 2012, 412-418). After Miller's resignation, Kwaśniewski pushed for the appointment of Marek Belka (who on his wish had previously been minister of finance). Belka failed to win the confidence of the Sejm, yet Kwaśniewski threatened with early elections so that the Sejm eventually accepted him as Prime Minister. As a matter of course, Belka appointed the president's candidates for the force ministries and the ministry of agriculture (Jasiewicz and Jasiewicz-Betkiewicz 2005; Leszczyńska 2012, 418-423).

Kwaśniewski's activism (and success) can be explained by his strong authority within the SLD (amplified by his general popularity). Two of my respondents close to the president estimated that there were about 60-80 SLD deputies at any time who were loyal the president rather than party leadership which increased Kwaśniewski's leverage

in negotiations.¹²³ In his second term Kwaśniewski was furthermore not dependent on the SLD's support for re-election and could choose a riskier strategy with Miller and Belka. One can only speculate about the reasons for his non-interference in the Buzek governments. Nevertheless, due to the large seat share of the SLD in combination with the high override threshold Kwaśniewski had in any case a large potential for influence over policy and did likely not need to interfere to reach the desired outcome.

Lech Kaczyński appears to have been least active with regards to government formation and censure, yet here the very close ties with his brother's party may understate his influence on government composition. Furthermore, rather than pushing through several cabinet members at once (as Kwaśniewski did at the formation of the Miller and Belka cabinets) Lech Kaczyński incrementally increased the number of 'his' candidates in the government. Shortly after his election as president (yet before his inauguration) Kaczyński's campaign manager Zbigniew Ziobro was made minister of justice in the first Marcinkiewicz government. At the formation of the second Marcinkiewicz cabinet his long-time advisor then became foreign minister after her predecessor resigned (Jasiewicz and Jasiewicz-Betkiewicz 2007, 1068f). The first government led by Kaczyński's twin brother Jarosław brought no changes in government personnel, yet following the ejection of SO and LPR from the coalition in summer 2007 two of the president's former aides took over the remaining two 'force ministries' defence, and interior and administration, while his former chief of cabinet became minister of sport and tourism (Jasiewicz and Jasiewicz-Betkiewicz 2008, 1101f). Similarly to Kwaśniewski during the Buzek governments, Kaczyński remained largely inactive during the formation of the PO-PSL coalition under Donald Tusk's leadership. Nevertheless, he unsuccessfully attempted to prevent the appointment of Tusk's candidate for the Foreign Ministry

¹²³ Due to his influence on the government composition of Miller I, Kwaśniewski was frequently called 'the third coalition member' (Leszczyńska 2012, 417).

(Vetter 2010, 5). Despite the increasing level of conflict between Kaczyński and Tusk the president always acquiesced to the Prime Minister wishes when it came to censure.

All presidents, even after the introduction of the new constitution in 1997, have attempted to and succeeded in installing their candidates in the ‘force ministries’ (foreign affairs, defence, interior and administration). While popular legitimacy only played a role for Wałęsa and Kwaśniewski, partisan ties were crucial for the success of all presidents. Kwaśniewski and Kaczyński were more successful in influencing portfolio allocation as their party membership allowed them to influence intra-party negotiations. Wałęsa did not maintain a party affiliation and could therefore only choose from the candidates that parties presented to him. Finally, the highest level of activism was displayed not during cohabitation but when president and Prime Minister came from the same party or, in the case of Wałęsa, when the Prime Minister had been picked by him.

3.3.5 Summary: Poland – New insights from a well-studied case

A number of valuable conclusions can be drawn from the in-depth analysis of presidential activism in Poland. First, even though unlike Slovakia Poland has not had an indirectly elected president¹²⁴ as a point of comparison, the effect of popular presidential elections becomes evident. Presidents acted independently of parliament and government and used their powers specifically and explicitly to benefit their own electorate. Furthermore, the higher legitimacy of the president vis-à-vis other institutions allowed not only Wałęsa but also his successors to increase their leverage over parliament. As the vast majority of my respondents pointed out, the presidents’ popular legitimacy was also one of the key factors of why governments often acquiesced to presidential demands.

¹²⁴ At least not a one elected under fully democratic conditions – General Wojciech Jaruzelski was still elected by a National Assembly which largely consisted of deputies whose election had been guaranteed by the compromise reached at the roundtable talks.

Policy differences between president and government also played an important role in determining presidential activism as veto use increased during cohabitation and decreased when president-government relations were neutral or unified. As Kwaśniewski and Kaczyński were party members, they also often used their veto to defend their own party's position. The size of presidents' parliamentary support base, however, only became genuinely relevant in the context of the high veto override majority. It increased the president's and the presidential party's leverage in negotiations with the government (particularly under Kwaśniewski) during phases of cohabitation. Yet, it is not clear to what extent a larger seat share would have contributed to less objectionable legislation for the president without the increased threat potential. Nevertheless, in most cases vetoes concerned bills of high symbolic importance for presidents' voters. Given the responsiveness of incumbents to these concerns due to their popular mandate, there is at least some evidence suggesting that they would have used their veto only *slightly* less often had the override threshold been lower.

The analysis furthermore showed that divisions between government parties provide an additional opportunity for presidents to become active – a factor that was not included in my theoretical framework and statistical models. It also demonstrated that the effect of parliamentary fragmentation on presidential activism is not uniform. Under Wałęsa and Kwaśniewski, higher or increasing fragmentation appears to have led to more presidential activism, whereas for Kaczyński low fragmentation provided more opportunities to become active. Finally, the results of the examination of Polish presidents' role in government formation, censure and dismissal challenges previous scholarship on the matter. Presidents were more active when their own party was part of the government or when their relation with the Prime Minister was neutral to positive rather than under cohabitation. Presidents also attempted to install partisan rather than non-

partisan ministers and tended to become more active when fewer parties were in the government.

3.4 Presidential activism in Estonia and Poland compared

The in-depth analysis of presidential activism in Estonia and Slovakia has overall corroborated the findings of my statistical analysis and shown that the considerations of my theoretical framework appear to mirror the majority of actual causal mechanisms of presidential activism. The findings also point to similar weaknesses of the approach and suggest analogous additional explanatory factors. First and foremost, the comparison of presidential activism in both countries demonstrates the expected contrast with regard to the mode of election. The activism of Polish presidents was driven by their desire to serve their voters' interests and their independence from other institutions. Estonian presidents on the other hand acknowledged their dependence on parliament (although the effect was somewhat delayed due to Meri's semi-popular election for the first term) and rather focussed on improving policy than blocking it. Even Rützel's use of vetoes along party lines could be interpreted as expressing his dependence on his party and parliament as his principals.

The contrast in the powers of the presidency and the mode of election also helps to draw strong conclusions for the effect of other factors. Despite differences in the set-up of the Estonian and Polish political systems, they had a very similar influence on presidential activism. For instance, the size of the government majority was an important determinant of presidential activism in both countries and presidents deliberately used higher override majorities (although these are only a permanent feature in Poland) to

their advantage.¹²⁵ Presidents also vetoed more often when they were in cohabitation with the government or when their own policy position did not match governments' plans. Hereby, the division between and within coalition parties emerged as an additional explanatory factor in both countries; the relationship between the president and the junior coalition partner (Rüütel and the RL; Wałęsa and the PSL) also occasionally appears to play a role. Results with regard to parliamentary fragmentation were more diverse but showed in each case that the effective number of parties does not always correctly represent parliaments' ability to organise a veto override. Last, my interviews suggested that presidential personality might have played a role for the activism of Lech Wałęsa. Nevertheless, disentangling the potential effects of president-centred from presidency-centred factors proved difficult (particularly with regard to presidential perceptions vs. the mode of election and presidential powers).

¹²⁵ These findings appear to suggest that both popular elections and override thresholds exude independent effects, although a residual uncertainty remains until this can be tested quantitatively on a different sample.

4

PRESIDENTIAL ACTIVISM IN HUNGARY AND SLOVAKIA

Hungary and Slovakia present the second ‘most different pair’ as part of which I will assess the results of my statistical analysis. While a number of authors have noted that popularly elected presidents typically possess more powers than their indirectly elected counterparts and vice versa (e.g. Metcalf 2002; Tavits 2008; Strohmeier 2010), the two countries present very unlikely cases in this regard. The indirectly elected Hungarian president is formally one of the most powerful presidents, whereas the Slovak counterpart is weaker than most other directly elected presidents. This pairing of cases promises valuable insights not only because they are unlikely representatives of presidents in parliamentary and semi-presidential systems but also because Slovakia is the only country in my sample that changed the mode of presidential election from indirect to direct and is thus on its own an important case for analysis in this study.

Contrasting the findings from these two different countries demonstrates once again the importance of the mode of election, yet also highlights some more details of its mechanism of effect. In Hungary, presidents acknowledged their dependence on parliament and refrained from using their veto for political reasons. Rather, they sought to address shortcomings in legislation (a motive also found in the analysis of Slovakia’s only indirectly elected president Michal Kováč as well as in Estonia). Nevertheless, the effect of the indirect elections was partly amplified by the rulings of the Constitutional Court which further defined the role of the president within the polity. While democratic shortcomings in Slovakia during 1994-1998 make the within-case comparison more

difficult, it can still be shown that presidential activism markedly increased after the introduction of popular elections. Presidents sought to act independently of parliament and government and justified their actions with their popular mandate. The analysis of presidential activism in both countries also highlights the importance of several other variables included in the statistical model, yet thereby also suggests slightly different mechanisms of effect. For instance, while presidents were more active during cohabitation, its substantial effect differed depending on the mode of election. Directly elected presidents vetoed for political reasons and tried to block government policy, whereas for indirectly elected presidents cohabitation rather raised awareness of legal-technical problems of legislation which they sought to address in their vetoes. Similar to the analysis of Poland and Estonia, the findings also suggest intra-governmental divisions and exceptionally high override majorities (in interaction with presidential and governmental seat shares) as additional explanations for presidential activism.

4.1 Presidential activism in Hungary

The Hungarian president belongs to the most powerful indirectly elected presidents, not only in Central and Eastern Europe but also in comparison with Western European counterparts. Similar to the presidency of his Polish counterpart, Lech Wałęsa, the first term of Hungary's inaugural president Árpád Göncz and his clashes with the government have been well-documented in the literature (O'Neill 1993; 1997; Dieringer 2005; Kim 2013) and drawn on to question the effect of indirect elections on presidential activism (Tavits 2008). However, Göncz' second term in office as well as his successors, Ferenc Mádli and László Sólyom, have received significantly less attention. By carefully analysing selected episodes from each presidency in depth and using new data and insights from qualitative interviews it becomes clear that indirect elections in fact played a

role in decreasing presidential activism over time. Nevertheless, the effect is not as straightforward as theorised and was amplified by rulings of the Constitutional Court. The analysis also highlights how the indirect election of the president affects the way in which other factors, particularly the relationship between president and government, influence presidential activism in legislation. The almost complete inactivity of Hungarian presidents in government formation, censure and dismissal despite superficially favourable conditions furthermore calls the reliability of frequently used indicators of presidential activism into question.

4.1.1 Göncz II – Horn: Activism to help the government

Table 38: Summary of key information – Göncz II-Horn (06/1995-07/1998)

Episode start:	06/1995	Episode end:	07/1998
President:	Árpád Göncz (SZDSZ)	Prime Minister:	Gyula Horn (MSZP)
In office since:	08/1990 (re-elected 06/1995)	In office since:	07/1994
Government composition:	MSZP, SZDSZ		
Government seat share:	72% (episode start), 70% (episode end)		
Effective No of parties:	2.89 (episode start), 3.02 (episode end)		
Number of vetoes:	2 vetoes / 0.06 per month		
Model prediction:	3.14 vetoes / 0.09 per month		
Reasons for selection:	Only episode in which Göncz used his veto power		

Árpád Göncz had been elected president in 1990 because it was expected that he would not interfere in the politics of the government (Dieringer 2005, 282), yet his first term in office was characterised by frequent clashes between the president and government and parliament (Schiemann 2004, 134-135; Kim 2003, 108). Nevertheless, after the rulings of the Constitutional Court had significantly curtailed the powers of the president as a consequence (Köker and Engst 2012), Göncz largely refrained from using any of his powers.

In May 1994 the Hungarian Socialist Party (MSZP) won the second democratic parliamentary election and – despite their absolute majority (54.1% of seats) – formed a coalition government with the Alliance of Free Democrats (SZDSZ) (Körösenyi et al. 2010, 372, 384). While the SZDSZ was divided over Göncz’ nomination for a second term, the MSZP unanimously backed his re-election in 1995.¹²⁶ Therefore and due to the fact that Göncz remained a member of the SZDSZ throughout his presidency, the relationship between him and the government can generally be described as unified. Göncz’ re-election came shortly after the presentation of the so-called ‘Bokros Package’, a controversial set of economic and social policies presented by MSZP-minister Lajos Bokros, which not only evoked criticism from social partners and the public (Kim 2013, 164) but also from different factions within the MSZP (Ilonszki and Kurtán 1996). These and similar conflicts (e.g. about privatisation) as well as a number of scandals (Ilonszki and Kurtán 1998) initially hindered collaboration between coalition parties failed to impact the overall stability of the government.

The selected episode is the second longest during Göncz’ presidency and starts with his re-election for a second term in office. Göncz only used his veto twice during this episode but not any other power. This is generally in line with his decreasing activism over time that characterised his presidency and his second term in office in particular. However, it is also the first and only time that he used his veto power so that it should be considered an outlier. The analysis must therefore be focussed on identifying factors or constellations thereof that explain why Göncz used his veto only then and not at any other point. It is shown that Göncz’ closeness to the government parties played an important role for his activism. However, the latter had a different effect than expected.

¹²⁶ One respondent each from my government/MP and expert categories suggested the alternative view that despite the SZDSZ’ internal discussions, Göncz’ re-election might also be seen as a sign that the actual power of the SZDSZ within the coalition was greater than their vote share and status in this surplus coalition would suggest.

Göncz used his veto instead of judicial review requests, allowing them to amend the bills more easily. Intra-party divisions also contributed to Göncz' decision to veto but only mattered because a special majority was needed to override one of his vetoes. Last, it appears that Göncz' general inactivity and decreasing activism over time during his second term can at least in part be attributed to his indirect election.

Table 39: Vetoes by president Árpád Göncz during Horn I

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Members of Parliament Amendment Act	17/12/1996	03/01/1997	Override* (25/02/1997; 195/278)
2) Sale of State Property Amendment Act	19/12/1996	04/01/1997	Amendments accepted (25/02/1997; 195/291)

Total: 2 vetoes / 0.5% of all legislation passed

Notes: * The Constitutional Court later declared the bill unconstitutional after an application of several opposition deputies (Ilonszki and Kurtán 1998, 420; Hungarian Constitutional Court 1997).

Members of Parliament Amendment Act

The 'Members of Parliament Amendment Act' was passed in December 1996 and specified several incompatibilities of the office of MP and other anti-corruption measures. Most importantly, it stipulated that MPs would not be able to serve as managers or on the board of state-owned firms (Kim 2013, 169; EECR 1997, 14f). The bill had been proposed by the MSZP and was almost unanimously supported by the coalition deputies. In the final vote, most opposition deputies (except for Fidesz) abstained from the final vote rather than voting against the bill (Országgyűlés Voting Record 17/12/1996).

In his veto, Göncz particularly highlighted problems with the application of the regulations which depended on whether deputies had already been in such a position at the time of their election (in which case a continuation was permissible).¹²⁷ He also criticised that it did not apply to private business activities and raised concerns over the constitutionality of the disclosure of assets (Kim 2013, 170f; EECR 1997, 15). As he kept

¹²⁷ MSZP and SZDSZ deputies disproportionately benefitted from this regulation (Ilonszki and Kurtán 1997).

close contacts with the coalition parties at the time (Kim 2013, 158)¹²⁸, he must have been aware that the government was unlikely to simply accept his objections. On the other hand, he could have asked the Constitutional Court to review the bill. Kim (2013) argues that the veto could have been motivated by the president's wish to publicly distance himself from the government (Kim 2013, 172), while Göncz' spokesperson explained at the time that deputies should decide on their own affairs, i.e. without the involvement of a third actor (Kim 2013, 171). Ultimately, it appears that Göncz opted for a veto to serve not one, but several purposes. First, irrespective of the veto's success he was able to distance himself from the government. Second, a veto presented a faster procedure to amend the bill and implement the incompatibility measures – which Göncz supported in principle – than a judicial review procedure. Last and most importantly, the chances for success of a veto were higher than ever during his presidency because the bill required a two-thirds majority to be overridden.¹²⁹ The coalition parties commanded the necessary majority at the time; however, had Göncz been able to persuade only 8 more coalition deputies to vote against the bill's re-passage or abstain the veto would have been sustained.¹³⁰ While the number of abstentions in the MSZP doubled to 20 the veto was overridden nonetheless.¹³¹

Göncz thus took both the seat share of the government and the division of parliament over the issue into account which generally corroborates my statistical models. Nevertheless, these factors only became salient because the constitution stipulated an override majority for the bill that was higher than usual. This is one of the explanations why Göncz did not use his veto more frequently overall. Furthermore, the voting behaviour

¹²⁸ This was also corroborated by my interviews.

¹²⁹ The constitution does not generally specify an override majority for presidential vetoes yet it is implicit that a repeated passage of a bill is only possible if it obtains the majority of votes needed in the first instance. According to Art. 20.6 Hungarian Constitution [1989], the 'Members of Parliament Act' and any amendments of it require a majority of two thirds of all MPs to pass.

¹³⁰ Previously, 10 MSZP deputies had abstained and five had voted against the bill.

¹³¹ As in the third reading of the bill, the SZDSZ deputies supported the bill unanimously.

of the coalition parties corroborates statements by several of my respondents that by Göncz' second term his relationship with the MSZP was better than with his own party. The latter also highlights problems with coding the presidential seat share correctly.

As mentioned above, Göncz' general support for the incompatibility measures was one of the reasons he chose a veto over a request for judicial review which – as evidenced by the Constitutional Court's ruling triggered by an application of the opposition – would have had harsher consequences. Another reason for Göncz' lack of further vetoes might therefore lie in the fact that he accepted the necessity of the government's reforms – even if he did not agree with them personally – and preferred the quick implementation of imperfect legislation over protracted negotiations with government parties. An example of this is the law on the abovementioned 'Bokros Package' in June 1995.¹³² Although he had criticised the way in which the package had been introduced as well as the extent of the cuts and was petitioned by a number of groups to veto it, he nevertheless signed it into law. Göncz stressed at the time that any kind of interference would have been beyond the scope of his competences and Kim (2013, 164-168) demonstrates on the basis of his interviews that this specific decision was largely due to Göncz' awareness of the package's necessity. This notion is also supported by the results of my own interviews.

Veto of the Sale of State Property Act

The bill on the sale of state property was passed at the same time as the other vetoed bill and had also been proposed by the MSZP. The main point of contention in the parliamentary debate was a clause that had been introduced on the initiative of the MSZP. It foresaw that state property could be transferred to local governments and cooperatives

¹³² Note that this was still 6 days before the start of the episode analysed here.

for free (RFE/RL 1997). The opposition saw this as a way of pork-barrelling before the upcoming parliamentary elections and feared that it would facilitate corruption (EECR 1997, 15). While not voiced openly in the parliamentary debate, my interviews with experts suggest that the opposition and part of the SZDSZ (almost a third abstained in the final vote of the bill; Országgyűlés Voting Record 19/12/1996) saw this as a covert favouritism of the former nomenclatura. As furthermore the parliamentary Constitutional Commission had recommended deleting the clause in question (RFE/RL 1997), it was clear that Göncz would take action.

Similar to the case of the first veto, the most likely option appeared to be a request for judicial review. Yet, Göncz again returned the bill to parliament instead and incorporated the criticism from opposition parties and SZDSZ in his justification. It was speculated that Göncz wanted to give the government the opportunity to bring the bill in line with the constitution (Tavits 2008, 76) and acted on wishes of the SZDSZ (Szomszéd 2005, 139).¹³³ Once again, a veto was also a faster option than a judicial review procedure – a motive that Kim (2013, 176-177) corroborates based on communication with Göncz' spokesperson. Nevertheless, in the justification of his veto Göncz also expressed his believe that a cross-partisan consensus was needed for the bill (Országgyűlés Stenographic Record, 25/02/1997; Kim 2013, 178). Attributing the veto to Göncz' closeness to the government alone thus falls short of explaining it in its entirety. Rather, Göncz exercised this veto to both address actual shortcomings of the bill¹³⁴ and to mediate a conflict within the coalition. The latter stands in contrast to the assumptions of my theoretical framework, but bears resemblance to the use of vetoes by Estonian president Arnold Rüütel discussed in the previous chapter.

¹³³ The latter would also coincide with the aforementioned voting behaviour of the SZDSZ deputies.

¹³⁴ Interestingly, the opposition supported the president's objections but still voted against the passage of the amended bill (Országgyűlés Voting Record, 25/02/1997).

The lustration law

Göncz' second veto again appears to be a rather atypical example of presidential activism given that there were a number of bills where a veto could have been more readily expected. One example of this is the lustration law in 1996. Although the law had already been passed during the previous legislature in 1994, it had been declared void by the Constitutional Court due to several inconsistencies (Hungarian Constitutional Court 1994; EECR 1996b). When it appeared again on the legislative agenda, MSZP and SZDSZ differed greatly on the issue. The MSZP wanted to restrict the number of people who would have to face lustration, whereas the SZDSZ advocated a more extensive approach (EECR 1996b). Göncz had himself been a victim of the repressions of the Communist regime and was strongly concerned with issues of transitional justice (Kim 2013, 118-130), so that he supported the SZDSZ' position here.

The eventual draft foresaw the vetting of only 600 people which stood in stark contrast to the 4-5,000 initially proposed by the SZDSZ.¹³⁵ Although it was the SZDSZ which finally conceded to the MSZP's position (EECR 1996b), it could still have been expected that Göncz would veto the bill because of its importance to him personally and to increase his party's leverage. Nevertheless, despite concerns of the SZDSZ and a sizeable number of dissenters in the MSZP, a majority of deputies supported the bill (Országgyűlés Voting Record 03/07/1996), so that an override would not have been very likely. In addition to a veto's small chances of success, it appears that Göncz refrained from becoming active because he generally supported the bill, accepted that an extension was not possible, and that he would have overstepped the constitutional boundaries of his office by interfering.

¹³⁵ The original law even proposed the vetting of ca. 10-12,000 people (EECR 1994b).

Árpád Göncz – From activist president to grandfather of the nation

Göncz' vetoes in this episodes can be explained by his desire to shorten (and thus facilitate) the procedure to amend the bill before its implementation. Thereby his closeness to the government certainly played a role for the 'Sale of State Property Act' and Göncz' general support for incompatibility and anti-corruption measures for the veto of the other bill. While the latter corroborates my assumption that presidents' policy preferences are being implemented when their own party is in office, it is contrary to the assumption that this will lead to less presidential activism. Yet, the next parliamentary elections were only 18 months away and the inopportune outcome of a judicial review procedure might have negatively affected the coalition's electoral campaign so that Göncz chose the less damaging option.

The fact that Göncz only used his veto twice can be attributed to two factors. First, the chances of success had never been higher than under the particular constellation of factors at the time. Second, his indirect election also played a very important role, although its effect did not unfold through the stronger dependence on parliament and lower legitimacy alone. Rather, the rulings of the Constitutional Court ensured that Göncz became less active. Relevant political and expert respondents agreed that after the landmark rulings of the Court elites – including the president – simply considered it to be out of line with the role of the president to become directly involved in everyday politics.¹³⁶ As one of my expert respondents remarked, Göncz was actually not 'more' active in the beginning than later – his activism rather remained constant in relation to his (clarified) constitutional powers. Göncz' justification for not vetoing the 'Bokros Package' and his failure to veto the lustration law supports this conclusion. An additional factor in preventing further activism might have been Göncz' frequent meetings and

¹³⁶ This is corroborated by the eventually unsuccessful drafts of a new constitution which included a stipulation that clearly defined the government alone as constituting the executive (Dieringer 2005, 286).

good contacts with government politicians. After communication with the Antall and Boross cabinets had been very formal (often by letter), Göncz could now – similar to Rüütel in Estonia – voice his concerns informally.

While Göncz' activism thus overall confirms the assumptions of my theoretical model, the analysis has shown that the direction of effect of different factors can be different based on their specific constellation. Furthermore, depending on the stipulations on how parliament can respond to presidential vetoes (i.e. incorporate amendments or not) presidents will use different powers to block bills. Last, the role of the Constitutional Court highlights that the effect of the mode of presidential election might not be as straightforward as assumed, particularly if a president is as popular as Göncz. Nevertheless, it was still the indirect election that effected Göncz' transformation from activist president to a passive 'grandfather of the nation' (Dieringer 2009, 175) and – in accordance with Elster's (1997) argument about agent selection – he was initially chosen because it was expected that he would hardly be active at all.

4.1.2 Mádl – Medgyessy: President resists party pressure

Table 40: Summary of key information – Mádl-Medgyessy (05/2002-09/2004)

Episode start:	05/2002	Episode end:	09/2004
President:	Ferenc Mádl (non-partisan)	Prime Minister:	Péter Medgyessy (non-partisan; nominated by MSZP)
In office since:	08/2000	In office since:	05/2002
Government composition:	MSZP, SZDSZ		
Government seat share:	51% (episode start), 51% (episode end)		
Effective No of parties:	2.49 (episode start), 2.53 (episode end)		
Number of vetoes:	3 vetoes / 0.11 per month		
Model prediction:	9.35 vetoes / 0.33 per month		
Reasons for selection:	Outlier/overpredicted		

After Ferenc Mádl was elected president in August 2000, he was generally seen as the president of Fidesz (Schiemann 2004, 138) which nominated him again and convinced its coalition partner to vote for him (Ilonszki and Kurtán 2001, 325). Despite the fact that Mádl was not officially affiliated with any party, Fidesz politicians also regarded him as ‘their’ president¹³⁷ and were surprised when he refused to bow to party pressure after Fidesz lost the 2002 parliamentary elections and MSZP and SZDSZ formed a new government under Péter Medgyessy.

Mádl’s relationship with the Fidesz-FKgP-MDF government of Viktor Orbán had been very harmonious but the formation of another MSZP-SZDSZ coalition heralded a new period of cohabitation (Körösényi et al. 2009, 116).¹³⁸ Regular meetings between president, Prime Minister, and the speaker of parliament as well as the departmental

¹³⁷ This impression was corroborated by the fact that Mádl refrained from intervening in everyday political decision-making similar to Göncz (Dieringer 2009, 176). His only veto during the Fidesz government had been requested by the speaker of parliament to rectify procedural errors (Országgyűlés Stenographic Record 26/06/2001) and the judicial review requests concerned only very technical questions (Bitskey and Sonnevend 2005).

¹³⁸ On the one hand this was due to different ideological orientations. Mádl was a well-known conservative and had been member of the centre-right Antall government in 1993-1994 (Pradetto and Weckmüller 2004, 267), so that he naturally opposed both the post-communist MSZP and the liberal SZDSZ. On the other hand, the government perceived Mádl as a partisan ally of the opposition (particularly Fidesz) leading to mutual hostility.

heads from the presidential and government administration became rare and were eventually discontinued. The government was united in preparing Hungary for its forthcoming EU accession and related legislation dominated the agenda during the first months of the episode. Parties furthermore began to revert some of the policies introduced under Prime Minister Victor Orbán during the last legislative term. However, at the same time the government faced several problems and at times struggled to maintain coherence. After the coalition parties had initially retained the spending levels of the previous government, they now had to introduce a number of painful and hugely unpopular budget cuts (Ilonszki and Kurtán 2004). Furthermore, as the SZDSZ was not a surplus coalition partner anymore, the balance of power within the coalition had shifted compared to its last edition, yet the MSZP was unwilling to make concessions (Ilonszki and Kurtán 2003). Not being an official party member, Prime Minister Medgyessyi furthermore struggled to control the MSZP (Ilonszki and Kurtán 2005, 1033) and revelations about his work for Communist intelligence provoked parts of the SZDSZ to call for his resignation (Ilonszki and Kurtán 2003, 972f). Eventually, Medgyessyi handed in his resignation after MSZP minister Ferenc Gyurcsány had already garnered sufficient support for a new government (Ilonszki and Kurtán 2005, 1034).

The predictions of the statistical model exceed the actual number of presidential vetoes for all three episodes during Mádl's presidency. This raises the question of why Mádl did not use his power more often. The selected episode is not only the longest during Mádl's presidency and thus provides the most ample base for analysis, it is also characterised by a constellation of factors assumed to increase activism. The government majority was not only very slim (only 5 seats) but also unstable and president and government were in cohabitation. Furthermore, parliament even slightly increased its legislative output compared to previous years, giving Mádl more opportunities to veto.

Thus, the aim of the analysis is to understand to what extent factors still worked as expected and if not why. Mádl used his veto three times during the episode. Except for the veto of the Law on European Parliament Elections¹³⁹, the vetoes appear to show that Mádl vetoed due to pressure from Fidesz. Yet, the opposition of Fidesz towards the respective bills was not a particularly salient factor. Similar to Göncz, the indirect presidential election appears to be able to explain the low level of activism and the analysis demonstrates that Mádl was reluctant to use his powers for political purposes because of his lower legitimacy. Evidence from my interviews furthermore suggests that Mádl chose to request judicial review for bills rather than returning them to parliament.

Table 41: Vetoes by president Ferenc Mádl during Medgyessy I

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Law amending certain social regulations	17/12/2002 (189/194)	23/12/2002	Override (04/02/2003; 195/319)
2) Law on healthcare providers and on the organisation of public health services	16/06/2003 (194/194)	20/06/2003	Override (23/06/2003; 192/194)
3) Law on the election and status of members of the European Parliament	03/11/2003 (193/366)	12/11/2003	Bill withdrawn (17/11/2003; 312/313)
Total: 3 vetoes / 1.1% of all legislation passed			

Veto of the social services bill

President Mádl's first veto during the Medgyessyi government concerned amendments to the provision of social services. The bill was controversial in so far as it changed the role churches played in providing social services and their cooperation with municipalities (mostly with regard to financing said activities). The churches as well as Fidesz and the Hungarian Democratic Forum (MDF) objected to the bill (Bitskey and Sonnevend 2005, 453f; Szomszéd 2005, 140f; Tavits 2008, 76f) claiming that it violated the churches' constitutional rights and – with respect to the Roman Catholic Church – the

¹³⁹ Mádl returned the bill on the grounds that other than in the original proposal, the bill did not properly regulate the election of the Hungarian members of the European parliament (Mádl 2003). The veto was accepted by the government without further discussion and the bill withdrawn.

Hungarian concordat with the Vatican (Országgyűlés Stenographic Record 04/02/2003). The original bill was passed with almost unanimous support of the government parties (only one MSZP deputy voted against it) while the opposition refrained from voting in an attempt to sabotage the necessary quorum of 50 per cent of members (Országgyűlés Voting Record 17/12/2002). An override of the veto thus seemed very likely and after Mádl vetoed the bill it was passed again without amendments (Országgyűlés Voting Record 02/04/2003).

Given these unfavourable preconditions, the question is why Mádl vetoed the bill nonetheless. Fidesz opposed the bill and according to my expert respondents it is likely that the party tried to influence Mádl in his decision. Yet two other factors also need to be considered. First, the churches were still important political actors at the time as their membership reached almost three quarters of the population (Hungarian Statistical Office 2001).¹⁴⁰ As Mádl was a devout catholic himself, his own closeness to the church and concerns about the impact of the bill on a major part of the population might have played an equally large role for the veto as his contacts to Fidesz and the MDF in the opposition. Thus, the president's opposition could also have been expected had intra-executive relations been unified. Second, the bill had been declared as 'urgent' by the government when it was introduced. Mádl thus only had five instead of fifteen days to either promulgate or return the bill to parliament, and less time to ascertain the likelihood that the governmental majority would succumb to public pressure and follow his suggestions in amending it.

At the same time, parliament passed a government-initiated bill with the votes of the coalition parties which introduced amendments to regulations on the criminal prosecution of drug users. The bill foresaw the reversion of the 'no tolerance' policy that had

¹⁴⁰ According to the 2001 census 73.5 per cent of the Hungarian population belonged to a Christian church (a further 1 per cent to other religions) and 51.9 per cent were Roman Catholics (Hungarian Statistical Office 2001).

been introduced under Victor Orbán in 1999. Fidesz naturally opposed the changes and called on the president to veto the bill and a group of Christian intellectuals collected over 100,000 signatures under a petition requiring the same (Szakacs 2002). Given this context, it appears that the bill would have made an equally likely target for presidential activism. Nevertheless, Mádl decided against using his veto in this case. He was certainly critical of the changes in the law, yet in contrast to the law on social services the changes did infringe on any constitutional rights and the public cared only very little about the issue (Szakacs 2002). As can also be seen in the case of Mádl's veto of the health care act (see below), he was generally reluctant to veto bills because of objections to their content. Last, the bill was not declared as 'urgent' so that Mádl had more time to review it and assess the chances that his veto would be successful (and be it only in raising awareness of his own policy preferences).

Veto of the Health Care Act

Mádl's most prominent veto during the episode at hand concerned the so-called hospital bill which allowed for the privatisation of the provision of hospital beds and other services (Szomszéd 2005, 140; Tavits 2008, 79). The opposition parties Fidesz and MDF had voted against the bill, whereas the government parties had unanimously supported it (Országgyűlés Voting Record 16/06/2003). Given these results of the final vote, a veto was unlikely to be successful and related considerations were in fact not the reason for its eventual use. According to my interviews, the presidential office invited the responsible secretary of state before and after the passage of the bill. He was asked to explain the motives behind the bill due to the great importance of the changes to the provision of health care that it foresaw. While Mádl personally opposed the idea behind the bill, he was reluctant to veto it for political reasons. As several of my respondents explained,

the eventual reason for Mádl's decision to veto was the fact that the government had apparently informally signalled to the president that it would amend the bill in accordance with the president's wishes if he returned it to parliament. As the bill had also been declared 'urgent', there was no time for more informal negotiations on the matter and Mádl reluctantly returned the bill to parliament.¹⁴¹ However, the government did not keep its promise to amend the bill and passed the bill again without plenary debate or discussions in the respective parliamentary committees (Országgyűlés Voting Record 23/06/2003; Schiemann 2004, 138).¹⁴² As a further affront to the president, the speaker of parliament did not formally invite Mádl to the parliamentary session at which the veto was discussed.

The results of my interviews highlight that the government had had no intention to amend the bill and provoked a veto to implement the bill without delay. The Hungarian constitution gives the president no choice but to sign a bill into law once a veto has been overridden by parliament (irrespective of whether it has been amended or not). Mádl hence signed the bill yet also petitioned the Constitutional Court to give an interpretation of the president's rights in the veto process. The Court generally strengthened the president's position by ruling that parliament needs to seriously reconsider a returned bill and debate the president's objections. Furthermore, the president must be invited and given the opportunity to speak at parliamentary sessions – in particular when a vetoed bill is debated. Nevertheless, the Constitutional Court also upheld the interpretation

¹⁴¹The minister of health even arranged a formal, i.e. publicly announced, meeting with the president (most likely to confirm the government's promises), yet this meeting only took place after the bill had already been vetoed.

¹⁴²Fidesz and MDF deputies still unsuccessfully attempted to stop the override by not voting on the re-passage of the bill so that there would be no quorum (Országgyűlés Voting Record 23/06/2003).

that the president has to sign any bill that has been re-passed after a veto, irrespective of the changes that have been made (Hungarian Constitutional Court 2003).¹⁴³

Ferenc Mádl – President above parties

Compared to the previous government under Fidesz leader Viktor Orbán Mádl vetoed more often, but cohabitation was not the most decisive factor for presidential activism in this episode. Deception on part of the government, pressure from outside actors as well as the fact that bills were declared urgent (without actual necessity) influenced the president's decision to veto most prominently. Even though the government majority was slim, the low fragmentation of parliament and the opposition of two party blocks disciplined deputies and thus worked for the coalition's advantage. This means that the lower seat share did not lead to a weakening of the government as expected by my model. Apart from this, the fact that Mádl's level of activism remained much lower overall than expected can be attributed to two interconnected factors – his indirect election and the use of judicial review requests. Respondents from all groups reported that there had been many instances in which Mádl had refused to be more politically active. During the selected episode he repeatedly rejected requests from government members to make a statement on an issue of public interest. He also scorned demands from the opposition to return a particular bill to parliament or send it to the Constitutional Court even if he personally objected to the bills (see e.g. the law on the criminal prosecution of drug users mentioned above). Each time Mádl justified his refusal to veto bills by stating that the president should be apolitical. Respondents did not explicitly mention the indirect election of the president but explained that the established elite consensus was that the president should remain inactive. Also, while Mádl's use of vetoes remained low, he

¹⁴³ This stands in contrast to other Central and East European countries that allow for vetoed bills to be amended within the veto process (i.e. Bulgaria, Estonia, Latvia, Lithuania, Romania, and Slovakia). In these countries, the amended piece of legislation can be vetoed again by the president.

requested judicial review for seven bills during the same period of time.¹⁴⁴ This was a significant increase in comparison to his first two years in office under the Fidesz-led government of Viktor Orbán during which he only submitted one review request. From this it appears that vetoes cannot only be an alternative to requests for judicial review requests as seen with Árpád Göncz, but judicial review request can also be a way of presidential activism that is usually expressed through vetoes. Last, based on the vetoes of the bills on social services and on members of the European parliament (together with his refusal to veto the drug user prosecution law) as well as my interviews, it appears that Mádl only used his veto to address grave inconsistencies of bills which would not necessarily have been unconstitutional. These findings stand in contrast to the expectations of my theoretical framework, yet it remains to be seen in the analysis of the other episodes whether this is more than just a singular occurrence and would eventually need to be addressed in terms of different operationalisation and model specification.

¹⁴⁴ All bills (or parts of them) were declared unconstitutional and subsequently either amended or withdrawn by parliament.

4.1.3 Sólyom – Gyurcsány II: Mutual isolation of president and government

Table 42: Summary of key information – Sólyom-Gyurcsány II (06/2006-04/2008)

Episode start:	06/2006	Episode end:	04/2008
President:	László Sólyom (non-partisan)	Prime Minister:	Ferenc Gyurcsány (MSZP)
In office since:	08/2005	In office since:	09/2004, re-elected 06/2006
Government composition:	MSZP, SZDSZ		
Government seat share:	54% (episode start), 54% (episode end)		
Effective No of parties:	2.61 (episode start), 2.63 (episode end)		
Number of vetoes:	5 vetoes / 0.22 per month		
Model prediction:	6.12 vetoes / 0.27 per month		
Reasons for selection:	Well predicted and representative of Sólyom's presidency		

László Sólyom owed his election as president to disagreements within the government coalition. Despite being the candidate of the opposition¹⁴⁵, he narrowly won the third round of voting in parliament (Ilonszki and Kurtán 2006, 1125-1126). Fidesz hoped to have an ally in Sólyom against the MSZP-SZDSZ government, yet Sólyom was far from letting himself be co-opted by any party and isolated himself to the degree of being in cohabitation with everybody else.

The coalition of MSZP and SZDSZ had been confirmed in office in the 2006 parliamentary elections and even increased its seat share. Despite their promises to the contrary during the electoral campaign, parties announced an austerity programme almost immediately after their victory. Consequently, the implementation of tax increases and other measures to balance the budget as well as to improve the country's economic situation took over the legislative agenda and increased the public's awareness of bills (Ilonszki and Kurtán 2007, 967). Parties disagreed strongly on the implementation of health and education reforms which also were fiercely opposed by the opposition. The public resistance against austerity and the publication of Gyurcsány's 'speech of lies' –

¹⁴⁵ Sólyom had initially not been nominated by a political party but the environmentalist group 'Vedegylet' and a group of more than a hundred intellectuals. Fidesz then declared their support for Sólyom and proposed his name to parliament (Szakacs 2005).

in which he acknowledged that the government had deceived the electorate – in September 2006 only increased tensions between the coalition partners.¹⁴⁶ In late 2006 Fidesz won the local elections which put further pressure on the government (Ilonszki and Kurtán 2007, 972) and in March 2008 the opposition initiated a referendum on the planned introduction of fees for higher education and medical services (Ilonszki and Kurtán 2009, 973-4). After a majority voted against all proposed changes, Gyurcsány dismissed the minister of health – a position under the control of the SZDSZ – which was followed by the withdrawal of the SZDSZ from the coalition (Ilonszki and Kurtán 2009, 976).¹⁴⁷

The relationship between president Sólyom and the Gyurcsány governments can be described as cohabitational from the beginning, yet it became increasingly hostile over time. This was not only due to different political orientations – like his predecessor, Sólyom was politically conservative – but also because of the personal antipathy between president and Prime Minister. Furthermore, Sólyom, a former president of the Constitutional Court, practised a very literal interpretation of the constitution concerning the separation of powers; there were no regular contacts between president and government, not even on an informal level. While Sólyom occasionally made formal requests for more information about the government's bill projects and their impact, answers were only rarely and even then only insufficiently provided by the government.

Sólyom has been Hungary's most active president and used his veto four times more often than both of his predecessors combined. The selected time period is the longest single episode during Sólyom's presidency. Overall, the time period can be seen as representative of his presidency and therefore lends itself to examining whether the factors

¹⁴⁶ In September 2006 a recording of speech by Prime Minister Gyurcsányi to MSZP politicians was leaked in which he declared that the government had lied constantly to win the election. The publication of the speech also sparked large-scale public protests (Ilonszki and Kurtán 2007, 971f)

¹⁴⁷ Gyurcsányi subsequently formed a minority government which still relied on votes from the SZDSZ and several deputies of the MDF.

included in the statistical models worked as expected. The analysis of Sólyom’s vetoes does not entirely corroborate the findings of the statistical models. While cohabitation was one of the main factors, it did not lead to more vetoes because of disagreements over policy but rather raised Sólyom’s awareness of legal-technical insufficiencies of legislation. Furthermore, divisions between coalition partners as well as the unpopularity of the government played a large role and the slim governmental majority appears to have had only a subordinate effect.

Table 43: Vetoes by president László Sólyom during Gyurcsány II

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Law on health insurance funds and on the order of the use of care services provided by the compulsory health insurance	17/12/2007 (204/361)	27/12/2007	Amendments accepted (11/02/2008; 203/376)
2) Law amending the law No 150 from the year 2003 on the agreement of cooperation with EU member states in criminal matters and other related laws	10/11/2008 (376/376)	27/11/2008	Amendments accepted (01/12/2009; 372/373)
3) Law on the ratification of the agreement between the United States of America and the European Union on the use and transfer of passenger name records to the United States Department of Homeland Security	20/11/2006 (342/351)	29/11/2006	Amendments accepted (18/12/2006; 361/362)

Total: 5 vetoes / 1.8% of all legislation passed

Notes: Table only lists vetoes mentioned in analysis.

Veto of the Health Insurance Bill

The coalition parties passed a bill on health insurance contributions on 17 December 2007; the bill was declared ‘urgent’ as most stipulations were planned to enter into force by 1 January 2008 (Országgyűlés 2007). The bill mainly foresaw the opening of the health care sector to private competitors and steps towards further privatisation to make the system more cost-effective. The liberal SZDSZ (which occupied the ministry of health which initiated the bill) had pressed for even stronger privatisation measures but these were mitigated by the MSZP which – similarly to Prime Minister Gyurcsány –

only half-heartedly supported the bill (Ilonszki and Kurtán 2008, 1001). Thus, the fact that the bill was passed with no defections (Országgyűlés Voting Record 17/12/2007) does not entirely reflect the coalition's division over the issue. The bill was unanimously opposed by all opposition parties which called on Sólyom to send it to the Constitutional Court. They were supported by several intellectuals and groups of health care professionals who likewise demanded that the president should take action (HVG 2007). While the opposition objected to the privatisation of the health care sector in principle, professional groups complained that no public consultation had taken place.

According to my interviews it was soon clear to Sólyom and his staff that there were no constitutional problems with the bill, although many changes to the draft had only been introduced at a point that had not allowed the opposition to comment on them. Similar to other cases, there had been no negotiations between president and government, yet this time the secretary of state from the ministry of health was invited to the presidential office to answer questions after the bill's passage. The main concern from the president's perspective was that no studies on the impact of the bill had been conducted. Respondents explained that Sólyom had to order studies from external experts which were subsequently discussed in his advisory council.¹⁴⁸ In contrast, president Mádl in his aforementioned veto of the hospital bill had been able to rely on such studies and arguments from the parliamentary debate. Two months after Sólyom vetoed the bill it was amended in accordance with the Sólyom's suggestions and passed with the votes of the governmental majority (the opposition parties still voted against it). During the final debate deputies of SZDSZ and MSZP even praised the constructiveness of the president's objections (Országgyűlés Stenographic Record 11/02/2008).

¹⁴⁸ Not all vetoes were discussed in this round which shows the importance attributed to the bill by both the president and other actors.

The debates within the presidential office over a possible request for constitutional review of the bill showed that the president was concerned about the success of his use of powers. Sólyom later stated that the president should only send a bill to the Constitutional Court if s/he is certain that it will be ruled unconstitutional (Sólyom 2009, 86).¹⁴⁹ While the government's majority alone (210/386 seats) would have been sufficient to override the veto, the weakness of the coalition lay in factors not captured by my theoretical framework and statistical models. The president used the divisions within the MSZP and the government's general unpopularity which was furthered by the public protests. The question of whether the ideological opposition to the government was a decisive factor cannot be answered conclusively. Sólyom stressed that the constitution allowed for several ways to organise the health care sector and – according to my interviews – generally sympathised with the SZDSZ who had initiated the bill. On the other hand, Sólyom had made his negative attitude towards the government known on several occasions. Furthermore, the bill was central to Gyurcsány's reform programme so that even delaying its implementation considerably affected the government's agenda.

In this case it is difficult to find an appropriate case for comparison as Sólyom vetoed the majority of the government's important legislative projects. Nevertheless, he refrained from vetoing the first steps of the health care reform in late 2006. In a number of bills, the government regulated professional associations for health care workers, created a supervisory authority for health insurance providers, and amended the law on compulsory health insurance. In each case, Fidesz and KDNP opposed the changes, yet there were no deep intra-governmental divisions yet. Thus, the coalition passed the bills with a comfortable majority (Országgyűlés Voting Record 20/11/2006; 11/12/2006). While Sólyom likely took this into account, the reasons for refraining from using his veto here

¹⁴⁹ Nevertheless, this makes his refusal to enter into informal negotiations with parties despite these concerns even more puzzling.

appear to lie elsewhere. First, a number of the changes were necessary to bring Hungary in line with emerging European standards and could thus draw on experiences in other countries. Therefore, a major factor for his veto of the 2008 health insurance bill as well as other vetoes was now missing. Second, the laws were all prepared by the SZDSZ-led ministry of health. My interviews suggested that Sólyom had considerably better relations with the SZDSZ and was generally supportive of their policies. Last, the bills were generally less important and did not have a high public profile.

László Sólyom – Sticking to the letter of the law

The level of presidential activism under László Sólyom was higher than under both of his predecessors. He was also more successful as all but four of his 32 vetoes led to amendments to the bills in question or their withdrawal. Thereby, all of his vetoes followed a largely similar pattern and their use was determined by the same factors. The cohabitation between president and Prime Minister was one of the main drivers of Sólyom's activism. However, an analysis of the justifications for his vetoes in conjunction with my interviews showed that Sólyom did not necessarily object to the proposed policies. Rather, the president objected to the low quality of bills, meaning that were inconsistencies or that the range/effect of application was unclear. Bills were often hastily drafted and in several cases not prepared by ministries but by groups of individual deputies.¹⁵⁰ The decrease in the quality of bills was however not matched by an increase in the overall amount of legislation as I argued when introducing the number of bills as a control variable into my statistical models. Therefore, it can be argued that the cohabitation with the government made Sólyom more attentive to its failures and that he vetoed more for that reason. This interpretation would also be compatible with the as-

¹⁵⁰ Complaints about the quality of legislation even increased under the Bajnáj government (04/2009-05/2010) and there, too, can explain the increase in vetoes together with the minority status of the government.

sumptions of my theoretical framework. Furthermore, the fact that the majority of his vetoes was accepted (bills withdrawn or amended according to his suggestions) might have been another factor for the increasing activism throughout the episode and Sólyom's presidency in general.

Sólyom himself was significantly less popular than his predecessors (HVG 2012), yet the fact that the approval ratings of the government were even lower gave him a comparative advantage and might explain why he also vetoed bills that were supported by a large majority of deputies. Here it also becomes clear that while eventually being moderately accurate, the predictions of the statistical model rely on assumptions that do not always match reality. The model would explain the high number of vetoes with the narrow governmental majority, yet as seen in the case of the health care bill party discipline was very high (despite disagreements between coalition partners) and overrides very likely. Based on the above analysis and the results of my interviews, one can conclude that the greatest influence on Sólyom's veto use was the mutual isolation of president, government and parliament. Following his own Constitutional Court rulings that the president is separate from both government and parliament, Sólyom was unwilling to negotiate informally with the government or individual parties and insisted on using his powers independently. This is best exemplified by his refusal to coordinate appointments for ombudsmen and judges with parliament or government even though his first choice-candidates were regularly rejected (Ilonszki and Kurtán 2008, 1004; Körösényi et al. 2009, 112; Várnagy 2010, 1007). Government and parliament followed suit and for instance regularly denied the president complete answers to his requests for more information on their policies.

4.1.4 The activism of Hungarian presidents in government formation, censure and dismissal

The Hungarian constitution formally gives the president a certain discretion in government formation after elections, yet in reality the possibilities of the office to influence the composition of the government are limited.¹⁵¹ According to Art. 33 III of the constitution, the president recommends a candidate for Prime Minister to parliament, yet – as in several other political systems – it is not specified on what criteria presidents have to base their decision (Körösenyi et al. 2010, 364). The president can also only nominate a Prime Minister after elections or when the Prime Minister resigns. Otherwise, parliament can independently change the Prime Minister via a constructive vote of no-confidence. In practice, presidents have always appointed the candidate of the party that won the most votes in the parliamentary election (Körösenyi et al. 2009, 50); however, these parties have so far also always been able to form a majority government. Until now there have only been two minority governments in Hungary – Gyurcsány III and Bajnai I. The president could not play a role in the appointment of either. In the first case, the SZDSZ left the coalition but Gyurcsány simply remained in his post (Várnagy 2010, 1003) and in the second case, Gordon Bajnai was elected by the ways of a constructive vote of no-confidence (Körösenyi et al. 2009, 282).

Neither the academic literature nor my interviews have shown any evidence that presidents attempted to influence the choice or dismissal of a particular Prime Minister formally or informally. The only instance of possible interference on the dismissal of the Prime Minister occurred after the publication of Prime Minister Gyurcsány's 'speech of lies' in the aftermath of the 2006 parliamentary elections. In a controversial speech, Sólyom declared that it was in the hands of parliament to resolve the matter

¹⁵¹ Due to the time period chosen for this thesis, all following mentions of the constitution refer to the version in place before March 2011.

(Ilonszki and Kurtán 2007, 972). The president's opponents used this statement to argue that the president was acting as an extension of Fidesz and the opposition (who were naturally also calling for the government's resignation), yet my interviews showed that Sólyom's attitude towards Gyurcsány was already well-known to elites and most of the public. While still being the first time that a Hungarian president publicly hinted at the government's resignation, the importance of this incident in practical terms was relatively low. As Gyurcsány only resigned more than two and a half years later in March 2009, no direct effect can be attributed to his speech.

Table 44: The share of non-partisan ministers in Hungarian cabinets, 1990-2010

	Antall	Boross	Horn	Orbán I	Medgyessy **	Gyurcsány I	Gyurcsány II	Gyurcsány III	Bajnai **	Orbán II
Cabinet size*	18	18	14	17	16	18	13	16	16	10
Non-partisan ministers <i>n</i> (%)	4 (22.2)	3 (16.7)	2 (14.3)	8 (47.1)	6 (37.5)	5 (27.8)	6 (46.2)	6 (37.5)	8 (50.0)	3 (30.0)

Notes: * Total number of cabinet members at the time of formation, i.e. the Prime Minister, the ministers (including the minister in charge of the Prime Minister's office), and ministers without portfolio; ** Non-partisan Prime Minister.

Source: Körösenyi et al. (2009); Ilonszki and Kurtán (2007; 2008; 2009); Várnagy (2010; 2011); Website of the Hungarian parliament at <http://www.mkogy.hu>; Website of the Hungarian Prime Minister's Office at <http://www.kormany.hu>.

According to Art 33 IV of the Hungarian Constitution, the president appoints and dismisses cabinet ministers on recommendation of the Prime Minister. A similar clause caused conflict between president and Prime Minister in Slovakia (see Chapter 4.2.4), yet in Hungary this has not been the cause of any disagreements. At least since the ruling of the Constitutional Court that the president could not refuse to appoint or dismiss heads of government agencies for political reasons (Brunner/Sólyom 1995, 210) it was implicit that the president would also not be able to do so with regard to members of government. Again, neither the academic literature nor my interviews have shown evi-

dence that presidents interfered in the appointment or censure of cabinet ministers. Interestingly, this result stands in contrast to the share of non-partisan ministers used by several authors as an indicator of presidential activism (Neto and Strøm 2006; Tavits 2008; Schleiter and Morgan-Jones 2009b). In Hungary, said share amounts to 32.7% of all ministers in governments formed between 1990 and 2010.¹⁵² The three highest shares of non-partisan ministers in political cabinets can be found in Orbán I and Gyurcsány II and in both cases the lack of presidential activism can be easily demonstrated (Bajnai I can be classified as an expert/caretaker cabinet for which a higher number of non-partisan is expected by the teams of authors mentioned). In case of Orbán I, all non-partisan ministers still held very close ties to Fidesz – the largest party in the coalition. Three of these ‘non-partisan’ ministers were even re-appointed in 2010 (two of them had joined Fidesz by then) and a further one joined Orbán as an advisor and was soon appointed as judge to the Constitutional Court.¹⁵³ This suggests that the non-partisan ministers were far from being compromise candidates. In the case of Gyurcsány II, formed after the elections of 2006, my interviews showed that president Sólyom did not even meet with party leaders until after they had agreed on a new government – including the allocation of portfolios – and his only task was to formally appoint a candidate for Prime Minister. Given that Sólyom had been president of the Constitutional Court when the ruling on the appointment of high government officials was passed, any such interference would also have been against his understanding of the constitution. The fact that he refused to consult with parties over appointments such as the ombudsman (Ilonszki and Kurtán 2008, 1004) further corroborates the claim that

¹⁵² Note that this differs from the 10% given by Neto and Strøm (2006), Tavits (2008) and Schleiter and Morgan-Jones (2009b). While they exclude ministers without portfolio, this does not account for the difference between the given numbers and highlights problems with determining ministers’ party affiliation.

¹⁵³ Sándor Pinter (Minister of the Interior 1998-2002, 2010-present); Györgyi Matolcsi (Minister of the Economy 1999-2002 [predecessor also non-partisan] and 2010-2013); János Martonyi (Foreign Minister 1998-2002 and 2010-present); István Stumpf (Minister in charge of the Prime Minister’s office 1998-2002; advisor to the PM 05-07/2010; judge at the Constitutional Court 07/2010-present).

involvement by Sólyom was not responsible for the higher share of non-partisan ministers in any of the governments formed during his presidency.

4.1.5 Hungary – Confirmatory and contradictory evidence

The analysis of presidential activism in Hungary has produced evidence that partly challenges the assumptions of my theoretical framework as well as the interpretation of the statistical models. Assumptions were confirmed in so far as the variables used also constituted the most important influences on presidential activism. However, the mechanisms by which they impacted activism and/or their direction of effect were oftentimes slightly different than theorised.

The election by parliament has made Hungarian presidents more supra-partisan and especially Mádl and Sólyom shared the conviction that they should not interfere in day-to-day decision-making for ‘political’ reasons. The isolation of the presidency pursued by Sólyom can also be seen as an effect of the indirect election, as well as of the 1991 ruling of the Constitutional Court that placed the president outside the executive (which Sólyom himself accounted for as the Court’s chairman; Hungarian Constitutional Court 1991). Nevertheless, the dependence of the president on the legislature that my theoretical framework posits is to a considerable extent linked to the president’s desire for re-election. There was a significant decrease in Göncz’ activism after the 1994 parliamentary elections, likely to secure his re-election in 1995. Mádl however needed to be persuaded to run at all in 2000 and it was clear from early on in his term that he would not seek re-election. Sólyom, too, soon realised that his chances of re-election were slim and did not publicly declare interest in standing again. The lack of a re-election motive might thus explain the slightly higher levels of activism under Mádl and Sólyom compared to Göncz’ second term.

The relationship between president and government, too, was a very important element of presidential activism but worked differently than expected. Under all presidents, cohabitation led to clashes with the government and for Mádl and Sólyom to more vetoes. However, Göncz vetoed not only during but exactly because of harmonious president-government relations. His activism thus resembles the use of vetoes by Arnold Rüütel in Estonia. Sólyom on the other hand did not veto to block policy despite being in cohabitation with the government. Rather, cohabitation increased his awareness of the technical-legal shortcomings of the bill and he used his veto to address them.¹⁵⁴ While this mechanism of effect does not match my initial assumptions, it is perfectly compatible with my theoretical framework and worth incorporating.

4.2 Presidential activism in Slovakia

Slovakia presents a unique and crucial case within the remit of this study as it is the only country in my sample (and one of the few countries worldwide) that moved from indirect to popular presidential elections outside the context of political transition.¹⁵⁵ The in-depth analysis of three president-cabinet episodes confirms the findings of the quantitative analysis on the effects of several explanatory factors. In particular, Slovak presidents vetoed more frequently when their policy orientation diverged from that of the government and when the government held no majority in parliament. Although parliamentary fragmentation proved non-significant in the statistical models, the qualitative analysis suggests that higher fragmentation led to more presidential activism – at least in the short term, i.e. immediately after increases in the effective number of parties. The most uniform influence on presidential activism appears to have been the mode of pres-

¹⁵⁴ Mádl's preference for judicial review requests over vetoes can also be interpreted as a consequence of this mechanism.

¹⁵⁵ Unfortunately, the veto override threshold was simultaneously changed to an absolute majority so that it remains difficult to fully differentiate between the effects of both variables.

idential elections. The analysis shows that the introduction of popular elections led to an increase in presidential activism as presidents thereby enjoyed not only greater legitimacy, but also became active to respond to the wishes of their voters independently from parliament and government.

4.2.1 Kováč – Mečiar I: Few vetoes despite cohabitation

Table 45: Summary of key information – Kováč-Mečiar I (03/1993-04/1994)

Episode start:	03/1993	Episode end:	04/1994
President:	Michal Kováč (non-partisan, formerly HZDS)	Prime Minister:	Vladimír Mečiar (HZDS)
In office since:	03/1993	In office since:	06/1992
Government composition:	HZDS, SNS (no official representation in cabinet 03-11/1993)		
Government seat share:	59% (episode start), 42% (episode end)		
Effective number of parties:	3.19 (episode start), 4.58 (episode end)		
Number of vetoes:	2 vetoes / 0.14 per month		
Model prediction:	4.77 vetoes / 0.34 per month		
Reasons for selection:	The only episode under fully democratic conditions containing use of presidential powers; outlier/overpredicted		

Vladimír Mečiar had been one of Slovakia's leading politicians since the Velvet revolution, chairman of the Movement for a Democratic Slovakia (HZDS), Prime Minister since June 1992, and even served as acting president during the first months of Slovak independence. The election of Michal Kováč, a former minister of finance and speaker of the Czechoslovak Federal Assembly (as well as HZDS deputy chairman), introduced a check-and-balance on Mečiar's power. This proved to be a recipe for conflict over policy and the role of the president. The relationship between president and Prime Minister was tense from the beginning and grew more conflict-laden over time as Kováč was quick to distance himself from his old party (Haughton 2003, 273) and criticised Mečiar over his autocratic style of governing. In particular, Kováč opposed and refused to rubberstamp the government's controversial privatisation plans. The government on

the other hand refused any kind of cooperation with the president¹⁵⁶ and began to deliberately obstruct his work, eventually even using unconstitutional means when the conflict reached its peak in 1994-1998 (Tavits 2008, 124; Haughton 2005, 86-87). In a very critical state of the nation address in 1994, Kováč accused Mečiar of autocratic tendencies (Malová 1995, 468; Haughton 2003, 274) and indirectly called for his resignation.¹⁵⁷ Kováč had no power to unilaterally dismiss the Prime Minister but his speech triggered a fierce debate in parliament. At its end an opposition deputy proposed a vote of no-confidence in the government and as both government parties did not participate in the vote, Mečiar lost and Kováč subsequently dismissed the government (Malová 1995, 468; Henderson 2002, 43).

Kováč's activism only reached its peak between 1996 and 1997, yet the selected episode is the only period during his term that is unproblematic to be used as part of this study. '[D]uring 1994-1998 Slovakia's political regime had essential shortcomings' (Malová and Rybář 2008, 180) with regards to democracy, yet my theoretical framework seeks to explain presidential activism under conditions where democracy is 'the only game in town' (Linz and Stepan 1996, 15). That would also apply to the government of Jozef Moravčík (04/1994-11/1994), yet the episode is very short and Kováč refrained from using any of his powers.¹⁵⁸ Being overpredicted by my statistical model, the episode provides an opportunity to discover factors that inhibit presidential activism

¹⁵⁶ Two of my respondents from Kováč's office mentioned that Mečiar refused to meet the president over several months. The government also refused to answer Kováč's requests for information (which eventually led to proceedings before the Constitutional Court; Orosz and Simunčová 1998, 131-132).

¹⁵⁷ Kováč concluded his speech saying that he did not call for the Mečiar's resignation yet his words were soon interpreted as such (Kováč 2012, 187). Even with the results of my interviews it is unclear what Kováč's actual intentions were as he had prepared the concluding part of his speech without consulting with his staff.

¹⁵⁸ This was probably due to the fact that Kováč himself was in close contact and unified relations with the government. As the government was short of a majority in parliament, he could effect policy change without using his powers. Last, due to his very public conflict with Mečiar he also did not need to use his veto to show his policy position in the forefront of the 1994 parliamentary elections.

and to find out whether the overprediction is caused by misspecification of the statistical model or by the fact that some explanatory factors did not work as expected.

Table 46: Vetoes by president Michal Kováč during Mečiar I

Name of vetoed bill	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Law the on salaries of certain constitutional state officials	25/03/1993 (90/108)	06/04/1993	Override (21/04/1993; n/a*)
2) Law on the mitigation of property injustices done to churches and religious communities	29/09/1993 (76/96)	14/10/1993	Amendments accepted (27/10/1993; 92/121)

Total: 2 vetoes / 1.7 % of all legislation passed

Notes: * Varying majorities as all 21 suggestions for amendments rejected individually.

During the episode parliament mainly passed bills on privatisation, the return of private property, and further measures dealing with the heritage of the Communist state. This also included several law amendments that had become necessary as a consequence of Slovak independence.¹⁵⁹ Thereby, Kováč used his veto power twice, mainly making use of the unstable and decreasing government majority.¹⁶⁰ In March 1993, the only cabinet member of the Slovak National Party (SNS) resigned (Malová 1994, 417), yet its deputies continued to support the government (NRSR Voting Records 1993). A month later several HZDS deputies left the party to form their own faction (Petránská Rolková 2011) and it took HZDS and SNS until November 1993 to reach a new coalition agreement (Malová 1994, 417). However, shortly afterwards the SNS split and a group of deputies left the coalition so that the government could only pass the budget with the help of two opposition deputies (Kipke 2010, 326f). These intra-governmental problems provided an excellent basis for presidential activism and Kováč's vetoes in 1993 thus corroborates assumptions about the mechanisms of effect of the variables in-

¹⁵⁹ For instance the removal of references to Czechoslovakia and the creation of own institutions after the fulfilment of several state functions had previously been concentrated on the Czech part of Czechoslovakia.

¹⁶⁰ In a further four cases the government used its power to order the president to return a bill to parliament (Art 87 IV Slovak Constitution [1992]). As Kováč was constitutionally obligated to do so, this did not constitute a discretionary action of the president and must not be seen as presidential activism.

cluded in my model. The fact that the episode is nonetheless overpredicted can mainly be attributed to two factors. First, despite a decrease in its formal seat share, the government still functioned as a majority government for most of the time as it relied on strong informal agreements with other parties to pass its policies. This also explains why parliament's level of legislative output remained relatively stable throughout the episode. Second, the government was proactive in correcting problems with its legislation by using its power to request a return of a bill before Kováč had a chance to veto it.

Veto of salary increases for state officials

Kováč issued his first veto already a month after his inauguration. While the bill in question had been passed with a clear majority and the support from all parties, some prominent politicians (including some representatives of the coalition) voted against the bill or abstained.¹⁶¹ The president's main objection to the changes was that he believed the current economic situation would not allow for the proposed salary increases and suggested alternative thresholds (his suggestions would also have decreased his own salary). Furthermore, he criticised that the speaker of parliament received significantly less than the Prime Minister as it did not reflect their constitutional rank and proposed several measures relating to deputies' parliamentary expenses (Kováč 1993a). Three weeks later and without a major plenary debate all parliamentary committees involved rejected Kováč's suggestions and parliament followed their recommendations in overriding the veto.

As the bill was passed with overwhelming support from all parties, Kováč's decision to veto the bill appears to be counterintuitive at first sight. However, the veto can to a large extent still be explained by the unstable majority situation of the government. Ko-

¹⁶¹ Among them were NRSR speaker Ivan Gašparovič (HZDS) and SDĽ chairman Peter Weiss (voted against) and MKDH chairman Béla Bugar (abstained; NRSR Voting Record 25/03/1993).

váč vetoed the bill just after defections and intra-coalition conflict had reduced the government's seat share from 59% to 44%.¹⁶² The government was still able to override the veto; however, the voting records show that when Kováč's 21 suggestions for amendments were voted on individually the majority of amendments was only one or two votes short of being accepted and that there were many abstentions (usually outnumbering the votes against).¹⁶³ Thus, Kováč's veto was well-calculated and can be explained by the government's seat share and a sudden increase in parliamentary fragmentation. A further factor was that the bill had important opponents with the HZDS (such as speaker Ivan Gašparovič). This corroborates the importance of the governmental seat share and parliamentary as predictors of presidential activism but also poses the question why this did not lead to more vetoes as predicted by the statistical model. The reason here lies in the fact that HZDS and SNS re-established their cooperation shortly afterwards (albeit without a new coalition treaty) and were still informally supported by a number of opposition deputies. The government was thus functionally a majority government and its strength was not affected by increased parliamentary fragmentation. Furthermore, the HZDS party leadership was united with regards to almost all other bills so that Kováč could not use intra-party conflicts to his advantage.

My interviews suggest another reason why Kováč used his veto only infrequently and refrained from making suggestions to the content of bills which were not motivated by concerns of constitutionality. Shortly after the overridden veto described above, Kováč also tried to advise cabinet members on solving the country's payment insolvencies (albeit informally). This initiative was not only blocked by the government but also fuelled the growing tensions with Prime Minister Mečiar. In order to let the relationship

¹⁶² On 6 April 1993, the day of the veto, eight deputies left the HZDS to form their own faction. Only two weeks before, the SNS' only cabinet member had resigned so that the official governmental seat share was reduced to 66 seats (44%) (Petrauská Rolková 2011).

¹⁶³ The bill was eventually passed again because deputies who had previously abstained preferred the existing bill to having no bill at all – after all, it raised deputies' salaries and parliamentary expenses.

with the government not deteriorate any further and endanger his position¹⁶⁴, Kováč henceforth refrained from similar activism

Veto of the church property restitution bill

Kováč's only other veto during this episode concerned a bill regulating the restitution of property that had been seized by the communist state to the church and other religious organisations – a common subject of policy debates in the region (see e.g. Kozminski 1997; Blacksell and Born 2002). The HZDS-led government still had no official majority in the assembly and governed with continued support by the SNS. The passage of the original bill had been relatively uncontroversial (except for some reservations from the post-communist left) and supported by a large majority. Yet, Kováč objected to the bill because some groups who had previously been allocated or bought former church property would not be compensated when they returned it now. This resulted from a formulation that had been introduced during the later stages of the drafting process and was not part of the initial governmental draft of the bill. Other than providing comprehensive amendatory observations, Kováč only asked parliament to correct one sub-clause (Kováč 1993c). Very importantly, Kováč presented parliament with two alternative ways to do so. As the Slovak parliament can only reject or accept the president's observation but not introduce any other amendments as part of the veto process, Kováč thereby minimised the chances that his veto would be overridden. The government and most opposition parties accepted Kováč's criticism and passed the amended bills with a large majority (NRSR Stenographic Record 27/10/1993).

The statistical model would explain this veto through the low governmental seat share, increased parliamentary fragmentation and the cohabitation between president

¹⁶⁴ Already at that point Kováč faced difficulties in fulfilling his duties due to the government's hostile attitude and his therefore insufficiently equipped office.

and Prime Minister. However, as mentioned above the government still relied on a relatively stable majority and policy differences did not play a role in the veto at hand. Kováč's motivation was to improve the legislation which was also in the government's interest and secured the veto's success. While the aftermath of the veto on state officials' salaries could explain why Kováč did not use more vetoes based on objections to bill content, it still stands to reason why he did not issue more 'technical' vetoes. The explanation here appears to be the government's proactivity in correcting problems similar to the ones described above by pre-emptively requesting Kováč to return bills.

Government-mandated veto of the law on names and surnames

During the episode at hand, the government used its constitutional right to request the return of a bill by the president four times. Thereby, they could quickly rectify inconsistencies or react to criticism before the president even had time to review the bill and veto it himself. An illustrative example in this context is the law on names and surnames passed in July 1993. After it emerged that current regulations for the use of non-Slovak names in official documents were in conflict with international law as well as with the new constitution, the bill introduced entirely new rules and was passed without major opposition (NRSR Voting Record 07/07/1993). Nevertheless, it contained several inconsistencies and garnered criticism from national minority representatives. Given these problems and the fact that a number of presidents in CEE tended to be vocal supporters of minority rights during the transition (see e.g. Meri's support for ethnic Russians in Estonia) one could have expected Kováč to veto the bill. Nevertheless, the cabinet decided to demand the bill's return at its next meeting only a few days after the bill's passage (Vláda SR 1993). The comments that the president attached to the bill

when returning it (Kováč 1993b) strongly suggest that he would have in fact vetoed the bill on his own, had not the government pre-emptively demanded its return.

Michal Kováč – Strategic activism limited by dependence on parliament

The analysis of Kováč's vetoes produces two main findings. First, the government's seat share and the fragmentation of parliament are important predictors of presidential activism. Second and more importantly, both variables are not always accurate measures of the government's majority/minority status and parliamentary weakness. The latter at least partly corroborates the results of my statistical model (non-significance of parliamentary fragmentation), whereas the former can explain part of the overprediction for this episode. The government functioned as a majority government for most of the episode which is why Kováč did not use his veto more often. Furthermore, the internal division within the HZDS which Kováč tried to exploit in his first veto was a singular occurrence. The government parties were otherwise very disciplined, leaving Kováč less opportunities for activism. Intra-party divisions are a factor that also emerged from other case studies and was not included in my statistical model. However, it would be difficult to devise an indicator of issue-specific divisions unless bill-specific and roll-call data are used to predict the likelihood that a particular bill is vetoed. In addition, the fact that Kováč issued his first veto within a month of his inauguration lends some support to the assumptions that president may veto early on in their term to build a reputation and potentially extract policy concessions later on.

Despite a period of cohabitation Kováč only vetoed two bills (1.7% of all bills) which can be seen as an indication of restraint on his part due to his dependence on parliament for re-election. Kováč himself acknowledged the dependence of an indirectly

elected president on the nominating party and parliament¹⁶⁵ as well as the fact that he refrained from using his powers in cases where his objections had no constitutional basis (Slovak Spectator 1999). This effect of indirect elections was likely reinforced by Kováč's experiences in issuing his first veto and attempting to advise the government on other economic issues. On the other hand, the reason for why he did not veto more bills on legal/technical grounds appears to lie in the government's requests to have problematic bills returned to parliament before Kováč could veto them. As shown in the case of the law on names and surnames, Kováč would very likely have vetoed the bill due to its various inconsistencies had the government not pre-emptively requested the bill's return to parliament. Interestingly, if the four government-mandated vetoes are taken into account, the number of issued vetoes is much closer to model prediction.

Finally, two respondents suggested that Kováč's professional background can explain why he vetoed the two bills in particular. As he had worked for the Czechoslovak National Bank, was Czechoslovak minister of finance (12/1989-05/1991) and had been responsible for economic policy during his time as HZDS deputy chairman (Pradetto and Weckmüller 2004, 136, 141) Kováč reportedly saw himself as an expert on finance and public economy. Both vetoed bills had large financial implications and he wanted to put his experience to use – the same applies to his attempts to advise the government on payment insolvencies. Presidents' personal background might potentially provide an explanation for why presidents veto specific bills, yet with regard to this episode the evidence is unfortunately inconclusive. As parliament passed many more bills related to public finance and privatisation over the course of the episode, one would have expected more presidential vetoes and not less. Nonetheless, I will return to this question in the final comparative assessment of findings in chapter 5.

¹⁶⁵ Variations of this principal-agent approach were also mentioned by two of my political respondents and one expert.

4.2.2 Schuster – Dzurinda II: Activism boosted by popular elections

Table 47: Summary of key information – Schuster-Dzurinda II (10/2002-06/2004)

Episode start:	10/2002	Episode end:	06/2004
President:	Rudolf Schuster (non-partisan, formerly SOP)	Prime Minister:	Mikulaš Dzurinda (SDKÚ)
In office since:	06/1999	In office since:	11/1998, re-elected 10/2002
Government composition:	SDKÚ, SMK, KDH, ÁNO		
Government seat share:	52% (episode start), 45% (episode end)		
Effective number of parties:	6.52 (episode start), 8.79 (episode end)		
Number of vetoes:	30 vetoes / 1.43 per month		
Model prediction:	13.81 vetoes / 0.69 per month		
Reasons for selection:	Outlier/underpredicted, constellation of independent variables representative for time period		

Rudolf Schuster and Mikulaš Dzurinda had started off as allies in a coalition formed after the 1998 elections but turned into rivals when Schuster became president. Yet after Dzurinda's mandate was renewed, relations between president and Prime Minister became even worse than they had been before. During Dzurinda's first term, Schuster had already visibly distanced himself from his own party (Party of Civic Understanding – SOP) and the government as a whole.¹⁶⁶ Now, he specifically targeted bills at the core of the government's legislative agenda which included a number of further privatisation measures and reforms of the welfare state, although with little success. After the first Dzurinda government had often struggled to reach compromises and was weakened by unstable political parties (Učeň 2001; 2002), the coalition now showed a higher degree of cohesion. Nevertheless, in the first months of this episode the smaller parties still tried to block initiatives from the SDKÚ and delayed the passage of several bills (Učeň 2003; 2004). The coalition became more effective after losing its majority status in late

¹⁶⁶ After his election Schuster resigned as SOP party chairman and suspended his party membership (Malová and Rybář 2008, 196). He also announced a referendum initiated by the opposition which called for a shortening of the legislative term (Láštic 2011, 80-84) and accused Dzurinda and speaker Migaš of trying to use his life-threatening illness in June and July 2000 to their advantage (Mesežnikov 2000, 34-35; Nicholson 2000).

2003/early 2004 due to numerous defections. Thanks to deals with defectors from the HZDS, the government in practice remained a majority coalition (Učeň 2005, 1175) and managed to implement its reforms in the area of taxes, pensions and social security (Učeň 2004, 1128). This increase in parliament's legislative output was however only partly matched by an increase in vetoes, meaning that other factors were responsible for Schuster's activism.

Schuster's term in office only consists of two episodes, yet the second episode provides a better basis for arriving at generalizable conclusions. The first years of Schuster's presidency were still characterised by the constitutional amendments of 1999-2000 which not only introduced popular elections but also changed presidential powers, e.g. the president's right to chair cabinet meetings and attend sessions of parliament without invitation was abolished (Malová and Učeň 2000, 515) and the threshold for a veto override raised from relative to absolute¹⁶⁷ (Malová and Rybář 2008, 184; Učeň 2002, 1078). The selected episode thus shows the workings of the system under 'normal' conditions after actors grew accustomed to the new institutional arrangements. The aim of the following analysis is thus to see to what extent the variation of explanatory factors can explain activism over the course of the episode or in particular instances, and identify reasons for the significant underprediction of the episode.

From October 2002 until the end of his term in June 2004, Schuster vetoed 30 bills (ca 12% of all legislation). While this was a decrease compared to before (70 vetoes/14% of bills during Dzurinda I), vetoes were now motivated by objections to the content rather than the form of legislation. In particular, Schuster tried to block bills on two of the most important reform projects of the government – social policy and market liberalisation (Malová and Rybář 2008, 196). Hereby, the most important variables in

¹⁶⁷ President Schuster even suggested that it should be raised to a 3/5 majority (Malová and Rybář 2008, 196).

explaining Schuster's activism are the cohabitation with the government whose privatisation and liberalisation programme were in conflict with his own political convictions. Furthermore, Schuster tried to make use of the increasing fragmentation of parliament and the decreasing seat share of the governing coalition. Last, Schuster vetoed a significantly higher percentage of legislation than his predecessor Michal Kováč while cohabiting with Mečiar between 1993 and 1998 (6.4%). Together with the justifications for his vetoes, this suggests an independent effect of direct presidential elections.

Table 48: Vetoes by president Rudolf Schuster during Dzurinda II

Vetoes discussed	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Amendments Act to the law social assistance and the law on the subsistence minimum and the determination of the amounts for the purposes of state social benefits	15/11/2002 (78/129)	28/11/2002	Override (09/12/2002; 76/125)
2) Amendments Act to the law on social assistance	05/12/2003 (73/114)	19/12/2003	Override (20/01/2004; 79/148)
3) Income tax Amendment Act	28/10/2003 (85/138)	24/11/2003	Override (04/12/2003; 78/136)
4) Amendment Act to the Law on tax and real estate transfer and the law on experts and surveyors	06/11/2003 (87/126)	28/11/2003	Override (04/12/2003; 78/122)

Total: 30 vetoes / 12% of all bills passed

Notes: Table only lists details for vetoes discussed in analysis.

Vetoes of amendments to the social assistance act

Schuster vetoed amendments to the Social Assistance Act twice, albeit unsuccessfully. The first veto particularly highlights the importance of intra-executive relations for explaining presidential activism, whereas the second veto showcases the effect of the government's seat share. In the first case, the bill was part of the government's attempts to achieve budgetary savings for 2003 by cutting down on social services. While Schuster did not directly criticise the amendments, he still suggested increases to hand-outs for subsistence and following prolonged illnesses as well as the abolition of some maximum amounts for social benefits (Schuster 2002). As the bill was part of the govern-

ment's reform programme, it was unlikely that any of Schuster's comments would be incorporated and the veto was overridden. Nevertheless, the aim of the bill was clearly contrary to Schuster's declared policy objectives, so that cohabitation appears to have been the main driver of this veto. Furthermore, all opposition parties voted in favour of Schuster's proposals so that the veto was likely a signal to both voters and party leaders.

Schuster's second veto was more clearly based on the weakness of the government which held exactly 50% of seats at the time. This time the bill actually increased some social benefits and regulated financial help for carers of ill family members. However, Schuster still objected to several stipulations on the classification of disabilities and definitions about who could become a carer (Schuster 2003). Once again, the opposition parties supported Schuster's suggestions and while the veto was overridden, most of his 13 individual suggestions only fell short of being accepted by a handful of votes because independent deputies alternatively voted with the larger opposition parties and the government.

Schuster's failure to veto the subsequent amendments to the law on social insurance in early 2004 underlines the importance of the two factors discussed above. The bill foresaw that the state would cover pension and disability insurance contributions for young people in full-time secondary and tertiary education to avoid putting them at a disadvantage later. The bill only passed with a slim majority and a great number of abstentions, so that based on patterns found in other vetoes by Schuster a presidential veto would have been likely at first glance. Yet, there are several reasons why Schuster refrained from sending the bill back to parliament. First, although it related to social policy, one of the main areas of government reform plans, the bill was proposed by SMER party leader Robert Fico and a fellow party deputy. A veto would thus not have stopped any of the government's reforms. Contrary to the previous vetoes of the social assis-

tance act amendments, cohabitation therefore played no role. Second, the passage of the bill was only possible due to the fact that a great number government deputies either abstained or did not show up (likely so that they would not to be portrayed as having blocked the generally popular reform; NRSR Voting Record 27/05/2004). The result of the vote therefore did not matter in the same way as for other vetoes.

Vetoes of the flat tax and other budgetary legislation

The slim majority of the government as well as Schuster ideological opposition to the government can also explain a number of vetoes in November and December 2003. Schuster vetoed not only the introduction of a flat income tax – the heart piece of the government’s agenda – but also an increase in real estate tax. In both cases, Schuster opposed the regulations in its entirety so that parliament could only override the veto or not have the bill come into force. Since the 2000 constitutional amendments an absolute majority was needed to repass any bills vetoed by the president so that Schuster’s chances to see them sustained were relatively good. Both vetoes were eventually only overridden because three independent deputies voted with the government. Even though a number of HZDS deputies had initially supported both bills, the opposition eventually unanimously voted against the override. Vetoes of legislation towards the end of the calendar year (7 of Schusters 22 vetoes in 2003 were issued in November and December) also had another benefit for Schuster which might present an additional explanatory factor. As many bills were set to enter into force on 1 January and contained stipulations that could not be implemented at another date (because they contained changes to taxes or payments made by the state), a successful veto would have derailed the financial planning of the government and obstructed coalition’s policies on a large scale.

Interestingly, the government only rarely engaged in negotiations with the president – even on important legislative items. On the one hand, this might have been due to the fact that the government generally tried to marginalise the president. On the other hand, my respondents told me that Schuster rarely gave an indication of which bills he objected to. As evidenced by Schuster’s signature under amendments to the penal code in May 2003, this lack of coordination might have contributed to the high count of vetoes. After the bill’s passage, Schuster had publicly announced that he and his advisors were unsure about whether the law allowed for retroactive (and thus unconstitutional) application of some stipulations (Mesežnikov 2004, 32). Due to the government’s internal quarrels at the time, a re-passage of the bill was not as secure as it would have appeared from the results of the final vote. Therefore, the justice minister actively lobbied the president not to veto the bill (Slovak Presidential Office 2003) and Schuster signed it soon afterwards. Similar to president Sólyom’s situation in Hungary, the mutual isolation of president and government might thus have increased Schuster’s activism. While Schuster could certainly derive some utility from the publicised meeting, the case might also corroborate findings from the analyses of Arnold Rüütel’s and Árpád Göncz’ activism in so far as meetings and coordination with government members can serve as ‘outlets’ of presidential activism.

Rudolf Schuster – The extreme effects of popular legitimacy

Schuster’s vetoes appear to corroborate several hypotheses of my theoretical framework but also hint at potential additional variables. First, in comparison to the presidency of his indirectly elected predecessor Kováč, there was a considerable increase in veto activity under Schuster, thus tentatively corroborating the assumption that direct presidential elections increase activism. The effect of direct elections also becomes clear when

taking into account that Schuster mostly vetoed high-profile bills with central importance to the government's reform agenda. By attempting to block bills that decreased social services or raised taxes for those on a low income for political reasons, Schuster's aim was to send clear messages to voters for the 2004 presidential contest. He also tried to exploit the coalition's decreasing seat share and increasing parliamentary fragmentation which made it more difficult for the government to organise veto overrides. On the other hand, the informal agreements between the government and independent deputies highlight that seat shares and the effective number of parties cannot always adequately represent the strength of political institutions.

The small decrease in veto activity from the first Dzurinda government despite a continuously narrow majority (or minority status) reflects the somewhat stronger cohesion of government parties – a factor not included in my theoretical framework. Schuster vetoed comparatively frequently despite a rather low success rate (25 out of 30 vetoes were overridden) which demonstrates that the actual prevention of government policy was not always a key motivation for presidential activism – even an overridden veto can sufficiently serve the purpose of highlighting the president's policy position and satisfy the president's goals. The latter is also supported by the results of my interviews. As mentioned above, political and expert respondents said that Schuster did not pursue active negotiations with individual (independent) deputies to prevent overrides. Rather, he attempted to forge ties with SMER in hope of gaining their support in the 2004 presidential elections.

4.2.3 Gašparovič – Fico: Re-election as the reason for (less) activism

Table 49: Summary of key information – Gašparovič-Fico (07/2006-06/2009)

Episode start:	07/2006	Episode end:	06/2009
President:	Ivan Gašparovič (HZD)	Prime Minister:	Robert Fico (SMER-SD)
In office since:	06/2004	In office since:	07/2006
Government composition:	SMER-SD, ĽS-HZDS, SNS		
Government seat share:	57% (episode start), 56% (episode end)		
Effective number of parties:	4.81 (episode start), 5.33 (episode end)		
Number of vetoes:	18 vetoes / 0.51 per month		
Model prediction:	23.90 vetoes / 0.68 per month		
Reasons for selection:	Overpredicted; the longest episode under Gašparovič and rare period of government with clear majority in parliament		

Robert Fico's victory in the early elections of 2006 brought a novelty to Slovak politics – the government had a clear majority (Malová and Učeň 2007, 1100) and relations between president and Prime Minister were characterised by mutual respect and cooperation. Gašparovič had already started to forge ties with Fico during the last Dzurinda government (Mesežnikov 2007, 29; 2008, 29) and with his HZD¹⁶⁸ neither represented in government nor parliament, he sought new allies in his bid for re-election. Over the course of the episode, Gašparovič showed increasingly overt support for the policies of SMER-SD (Direction – Social Democracy) and SNS which in turn supported his re-election campaign in 2009 (Mesežnikov 2009b, 98-103). A minor cause of friction with the government was the inclusion of Gašparovič's former party, the ĽS-HZDS, in the coalition. Yet internally, the government remained free of major conflicts and was successful in achieving its two main goals of joining the Schengen Area in 2007 as well as the Eurozone in 2009 – despite the fact that the latter required the passage of many unpopular bills which reduced government spending in the areas of health, education, and social affairs (Malová and Učeň 2008).

¹⁶⁸ A splinter party of the HZDS (later renamed to ĽS-HZDS) formed after a fall-out with Mečiar; Gašparovič remained its honorary chairman.

While being comparatively well-predicted for Gašparovič's term in office, the episode is also untypical with regard to the constellation of variables in the political environment. The stable governmental majority, low parliamentary fragmentation, and largely neutral to cooperative relations between president and government are overall uncondusive to presidential activism which is reflected in the significant decrease of Gašparovič's veto activity compared to the Dzurinda government (10% of bills vetoed during Dzurinda II compared to 4.1% under Fico). Nevertheless, the model still predicted a higher number of vetoes than Gašparovič actually used. The specific aim of the analysis is thus not only to validate the findings of the statistical model but also to find out why Gašparovič did not use his veto more frequently. The legislative output of parliament remained relatively stable throughout and did not show any decrease in comparison to the preceding episode so that there must have been other factors responsible for Gašparovič's low number vetoes.

Table 50: Vetoes by president Ivan Gašparovič during Fico I

Vetoes discussed	Date passed (majority)	Date of veto	Parliamentary reaction (date; majority)
1) Act amending the Law on the protection of species of wild fauna and flora by regulating their trade	26/06/2007 (75/124)	17/07/2007	Override (11/09/2007; 79/136)
2) Amendments to the Law on nature and landscape protection	26/06/2007 (76/124)	18/07/2007	Override (11/09/2007; 79/135)
3) Amendments to the Law on Spatial Planning and Construction (Building Act)	22/05/2008 (68/111)	11/06/2008	Override failed (17/06/2008; 18/138)
4) Amendments to the Law on education and training (Education Law) and related laws	03/12/2008 (107/124)	17/12/2008	Amendments accepted (03/02/2009; 106/138)
5) Law amending the Law on Road Traffic	09/02/2007 (67/124)	07/03/2007	Override failed (20/03/2007; 72/144)
Total: 18 vetoes / 4.1% of all bills passed			

Notes: Table only lists details for vetoes discussed in analysis.

It appears that Gašparovič's generally low level of activism can mainly be attributed to two factors. First, although approaching presidential elections were included in the model and assumed to decrease presidential activism their effect was so strong that it

trumped other incentives to become active. Second, although the president-government relationship in this episode was coded as neutral due to some policy differences between Gašparovič and the coalition parties, in political practice it appeared to be unified. The latter is exemplified by the fact that Gašparovič hardly targeted legislation that was part of the government's reform programme. He also failed to veto bills which experts had previously declared to be unconstitutional (Mesežnikov 2008, 33) or those that evoked protest among smaller pressure groups (Mesežnikov 2007, 33f). These examples of non-vetoed legislation will be discussed and contrasted with vetoed bills in more detail below.

Vetoed environmental legislation & building act

In 2007, Gašparovič vetoed amendments to environmental legislation even though both bills had been passed with a clear majority and were unanimously supported by the coalition parties. However, environmentalist organisations had voiced concern in both cases (Mesežnikov 2008, 32). The amendments to the law on trade in wild flora and fauna stipulated the abolition of animal registration numbers which was criticised as facilitating illegal trade, whereas the act amending the nature protection law was criticised for precluding environmental NGOs from appealing against decisions by authorities (SME 2007). Gašparovič did not adopt these arguments but argued that the new trade regulations violated EU law and suggested to not pass the bill again. With regard to the law on nature and landscape protection, he maintained that it contradicted the Vienna Convention on Wetlands and suggested 14 amendments (Gašparovič 2007b, 2007c; SME 2007). Both vetoes were overridden with the votes of the coalition parties without any of the observations being incorporated.

The vetoes cannot be attributed to a weak government or parliament but can only be explained by Gašparovič's wish for remaining in office and thus the mode of presidential elections. By vetoing the bills, Gašparovič demonstrated that he was still independent from SMER-SD and the government, and attempted to broaden his potential electorate. Most of Gašparovič's arguments were shared by the opposition parties, particularly the party of the Hungarian minority (SMK-MPK). Given the participation of the far-right Slovak National Party (SNS) in the government with which Gašparovič cooperated, the veto provided a good opportunity to showcase his independence and curry favour with the SMK-MPK and its voters. Furthermore, as the environmental movement in Slovakia had been the basis for the 'Public Against Violence' (the Slovak counterpart of the Czech 'Civic Forum') in the 1980s (Podoba 1998) its members were largely politically conservative and thus less likely to vote for him in the next elections. Here, too, the veto could also showcase his independence from the government and potentially attract undecided voters. Last, as the bill was not part of the government's legislative agenda and was introduced by an individual SMER-SD deputy, Gašparovič did not run the risk of significantly worsening his relationship with the coalition parties either.

Gašparovič's veto of the Building Act was also motivated by his wish for re-election. The amendments – once again presented by individual SMER-SD deputies, not the government – stipulated that developers would be able to decide whether they wanted to use the public land-use plans in force at the time of the planning application or those in force when the building permission was issued (NRSR 2008).¹⁶⁹ The bill passed with the votes of the coalition government¹⁷⁰, but was met with criticism from the Association of Towns and Villages of Slovakia (ZMOS) and the Union of Towns of Slovakia (UMS) (Mesežnikov 2009a, 38; SME 2008a). ĽS-HZDS and the SNS leadership now

¹⁶⁹ The official justification was that the amendment would improve developers' planning reliability.

¹⁷⁰ The majority of ĽS-HZDS deputies present abstained or voted against the bill (NRSR Voting Record 22/05/2008).

also voiced their concerns more openly (SME 2008b) and Gašparovič returned the bill without suggestions for amendments, pointing out several contradictions and declaring that it violated the EU Charter on Local Self-Government (Gašparovič 2008b).

This time, Gašparovič's veto increased the leverage of ĽS-HZDS and SNS in the government. Particularly the support of the former in the upcoming presidential elections was crucial as Gašparovič's biggest opponent in 2004 had been ĽS-HZDS party leader Vladimír Mečiar. Furthermore, Gašparovič as well as SMER-SD had received most of their electoral support in the countryside (Krivý 2005; 2007) which was particularly affected by the law. Although it does not explain why SMER-SD initially supported the law¹⁷¹, it can account for Gašparovič's veto and the fact that SMER-SD deputies later abstained together with the majority of coalition deputies, thus preventing a veto override.

Gašparovič's refusal to veto the law on the financing of schools and school facilities in December 2006 corroborates the above findings. The law placed the funding of non-state art schools into the hands of local authorities which was strongly opposed by the ZMOS. After the bill's passage the ZMOS called on the president to veto the bill and claimed that it infringed upon local authorities' constitutional rights (SME 2006; Mesežnikov 2007, 33f). In contrast to the vetoed legislation above, the potential to appeal to new voters was relatively low and Gašparovič was still in the process of building a strong working relationship with the government. A veto of the bill would have had a significant impact on the drafts of the 2007 budget; as could be seen in the case of Rudolf Schuster (but also with regard to Lech Wałęsa in Poland), presidents in cohabitation tended to veto exactly for this reason. However, Gašparovič found himself in the opposite position and therefore signed the bill into law regardless of any criticism.

¹⁷¹ An attempt to cater to business interests while miscalculating of public resistance at the same time would seem likely.

Veto of amendments to Traffic Act and School Law

In his vetoes of the Traffic Act and the School Law, Gašparovič responded to pressure from coalition parties. The Traffic Act amendment had been initiated by an opposition deputy and was only passed with support from a number of ĽS-HZDS and SNS deputies. As most SMER-SD deputies voted against the draft or abstained, it is likely that it was pressure from the party that led Gašparovič to veto it. He mainly criticised that the new stipulations would enter into force on different dates and made some suggestions for changes (Gašparovič 2007a), which were later accepted across party lines. Nevertheless, in the final vote on the amended law SMER-SD, SNS and half of the ĽS-HZDS voted against its passage so that it failed to reach the necessary absolute majority (NRSR Voting Record 20/03/2007; Mesežnikov 2008, 32). The coalition's tactic to support Gašparovič's amendatory observations despite voting against the bill in the final vote can hereby be interpreted as an indirect sign of support for the president and an indication that the veto was motivated by partisan pressure.

The veto of the School Law shows the influence from a coalition party even clearer. The amendments foresaw that geographical names in school books would not only be presented in Slovak but also in minority languages. This was strongly opposed by the SNS whose deputies unanimously voted against the bill. In the justification for his veto Gašparovič also highlighted the status of Slovak as the constitutionally defined state language (Gašparovič 2008a) but generally adopted the argumentation of the SNS (and parts of the ĽS-HZDS) as his own (Mesežnikov 2009a, 38). Nevertheless, despite the resistance of SNS and the bill was passed again with votes from SMER-SD and the opposition parties (NRSR Voting Record, 03/12/2008).

In contrast to the two vetoes above, the law on extraordinary measures to prepare the building of motorways in December 2007 shows how Gašparovič did *not* veto a bill due

to pressure from the government. The law foresaw some measures to facilitate the quick building of motorways to the eastern part of the country – a promise that Prime Minister Fico had even included in his inaugural speech – and was supported by all government parties. The bill was strongly criticised by the opposition and legal experts as it allowed the government to build on private property before the process of expropriation and compensation had been completed (Týždeň 2007). Nevertheless, it appears that parties had lobbied the president beforehand as Gašparovič shrugged off the criticism and adopted the government's line of argument, i.e. that the public interest trumped individual rights in this case (Mesežnikov 2008, 33). Although the bill would have been an opportunity for Gašparovič to become active, he signed the bill due to his closeness to the government parties and knowledge that they would in turn support his re-election campaign.

Ivan Gašparovič – All for re-election

The overarching explanatory factor for Gašparovič's activism – specific instances as well as the overall level – appears to have been his quest for re-election. My respondents and commentators alike (e.g. Mesežnikov 2010, 29) stressed that Gašparovič avoided doing anything that would have endangered his chances of remaining in office. Thereby, his activism mostly corroborates the assumptions of my theoretical framework and the results of my models. Gašparovič's activism decreased considerably due to the higher and more stable government majority, and not the least due to his ideological closeness to Prime Minister Fico and SMER-SD as well as the SNS. Although the episode was coded as neutral with regard to president-government relations, it resembled unified relations in practice. This was also evidenced by Gašparovič's readiness to sign bills which were likely unconstitutional. Together with Gašparovič's desire to be re-

elected this finding can explain the overprediction of the episode by the statistical model. Gašparovič remained moderately active throughout the episode but mostly used his veto as a signal to selected groups that would be able to help him in his re-election, rather than to block policy. The latter once again highlights the need for directly elected presidents as agents of the public to be active in order to fulfil the expectations of voters. In contrast to Schuster, Gašparovič refrained from vetoing bills that were part of the coalition's reform programme. The majority of my respondents attributed this to Gašparovič's growing closeness with SMER-SD and the fact that he lacked an own political programme. Nevertheless, this could also be an indication of the fact that presidents will rather veto bills that are less significant to the government when the president-government relations are better. This way, presidents can still send a signal to their electorate but do not risk losing the support of the government parties. The fact that presidents in other episodes tended to focus their activism on legislation of particular importance for the government when they were in cohabitation supports this finding.

4.2.4 The activism of Slovak presidents in government formation, censure and dismissal

Slovak presidents have played a largely passive role in government formation, censure and dismissal. There are only few instances in which presidents become active. Thereby, their activism can largely be explained by the party constellations in parliament at the time and the relations between president and government.

Government formation

Theoretically, the president has free choice in appointing a Prime Minister and it is her/his sole right to do so (Art 110 I). Nevertheless, not more than 30 days after the ap-

pointment the government has to present its programme to the National Council and pass a vote of confidence, so that the president's choices are limited by parliamentary arithmetic. Except for two occasions, presidents have always appointed the leader of the largest party in parliament as Prime Minister and in both cases this was the outcome of party negotiations or electoral results rather than particular activism.

In March 1994 Kováč appointed Jozef Moravčík as Prime Minister after the resignation of the Mečiar government. Moravčík belonged to the 'Alternative for Political Realism' (APR, later merged with others to form the DÚ) which only consisted of less than a dozen deputies at the time and was only the third largest party in the new five-party coalition (Malová 1995, 466). Nevertheless, the choice of Moravčík had been the outcome of negotiations among the coalition parties and Kováč claimed that he 'was not at all involved' in the government's formation (Kováč 2012, 191; translation by the author). My interviews with political respondents and experts support this version of events, yet it should be highlighted that Kováč had maintained close contacts with the opposition before and most likely played a significant role in uniting the opposition parties against Mečiar.

Following the 2002 parliamentary elections, Schuster appointed Dzurinda for another term as Prime Minister. While the HZDS had won more seats (36 seats versus 28 won by the SDKÚ), none of its previous allies had entered parliament. As the HZDS thus had no chance of forming a majority coalition with other parties, Schuster had no choice but to appoint Dzurinda who was supported by a coalition of four parties.¹⁷²

¹⁷² A third instance would be the appointment of Mikuláš Dzurinda after the 1998 parliamentary elections (the HZDS won one more seat than Dzurinda's SDK). However, the future coalition parties elected SDE-chairman Jozef Migaš as NRSR speaker who then served as acting president. Therefore, the appointment of Dzurinda (whose SKD was in a coalition with the SDE) cannot be classified as activism; it was the only politically viable option.

Censure

Slovak presidents have been somewhat more active with regard to censure whereby their actions can largely be explained by cohabitation between president and government. Slovak presidents have some more discretion in the appointment and dismissal of cabinet ministers than their counterparts in the region. While the constitutional stipulations are still rather vague, the Slovak Constitutional Court ruled in 1993 that presidents are not always required to acquiesce with the Prime Minister's requests to appoint and recall cabinet ministers. Nevertheless, it failed to formulate the conditions under which the president can refuse (Slovak Constitutional Court 1993; Orosz and Šimunčová 1998, 101).¹⁷³

In March 1993, Kováč refused to recall foreign minister Milan Kňažko (HZDS) and replace him with Jozef Prokeš (SNS), both of whom were Deputy Prime Ministers at the time.¹⁷⁴ As Kováč preferred to keep Kňažko in the government as a balance to Mečiar, he petitioned the Constitutional Court leading to the abovementioned ruling. Yet even before the Court announced its decision Kováč accepted Kňažko's dismissal, although only after Mečiar had first threatened to resign (EECR 1993, 12) and then proposed Jozef Moravčík (HZDS; a less outspoken critic of Mečiar) as Kňažko's successor (Malová 1994, 465). When the SNS officially re-joined the government in November 1993, Mečiar asked Kováč to appoint seven new cabinet members en bloc. Out of these, Kováč refused to appoint the candidate for the Ministry of Privatisation as his father managed the largest privatisation fund (Fischer 1996, 45; Zifcak 1995, 62). Due to this conflict of interest, it is debatable whether Kováč's refusal qualifies as presidential ac-

¹⁷³ Interestingly, parties did not change these regulations as part of the 1999-2001 constitutional amendments (Malová and Rybář 2008, 188).

¹⁷⁴ As Kňažko had openly quarrelled with Mečiar over his authoritarian leadership style since autumn 1992 (EECR 1993, 12), the reason behind Mečiar's request was to rid himself of an intra-party rival.

tivism or if he simply fulfilled his duty as a president to ‘uphold and defend the Constitution and other laws’ (Art 104 I).¹⁷⁵

President Schuster only once refused to follow the Prime Minister’s request for appointing a temporary head for the Ministry of the Interior. After the resignation of the minister of the interior in May 2001, Schuster temporarily appointed the minister of justice instead of Prime Minister Dzurinda to oversee the ministry (Malová and Rybář 2008, 195), the conflict was soon resolved with the appointment of a new minister. The reason for the Schuster’s interference seems to have been his sympathy with a group within the governing Slovak Democratic Coalition (SDK) to which he hoped to give an advantage in the negotiations about the replacement (Mesežnikov 2002, 32).¹⁷⁶

Government dismissal

As most other presidents in Central and Eastern Europe, Slovak presidents have no power to dismiss the government unilaterally. They can only do so after parliamentary elections or a vote of no-confidence in the government. Between 1993 and 2010 the only successful no-confidence motion led to Vladimír Mečiar’s dismissal in March 1994 (see also section 4.2.1 in this chapter). While Kováč had no discretion in dismissing the government, it can be argued that he was still responsible for the dismissal. In his controversial state of the nation address he indirectly called for the Mečiar’s resignation which triggered a lengthy parliamentary debate and the vote of no-confidence (Malová 1995, 468; Henderson 2002, 43). While Kováč’s speech definitely played a considera-

¹⁷⁵ In November 1994, Kováč once again refused to dismiss cabinet ministers yet this time the situation was different. After the parliamentary elections the Moravčík government had tendered its collective resignation to the president but the HZDS-led majority passed motions of non-confidence against two of the ministers and demanded that Kováč dismissed them. Kováč refused on the grounds that ministers who had already resigned could not be subject of a no-confidence motion. The Constitutional Court followed the Kováč’s argumentation and declared that there was no constitutional basis for dismissal (Orosz and Simunčová 1999, 102).

¹⁷⁶ Schuster later claimed to have consulted his decision with the leaders of the coalition parties but those involved denied that it had been properly discussed (Mesežnikov 2002, 32).

ble role, other circumstances also need to be taken into account. In February 1994, a further eight deputies had left the HZDS (Petranská Rolková 2011) so that the governmental seat share dropped from 54% to 42% and a continuation of the government would have been difficult in any case. As all parties later unanimously agreed to hold early elections (Malová 1995, 468) it appears that Kováč's speech only accelerated the government's deterioration. Last, given that the speech was motivated by Mečiar's autocratic style of governing it is doubtful in how far one can derive generalisations from the incident.

4.2.5 Slovakia – A crucial case for analysis

The above analysis has shown the salience of a number of explanatory factors from my theoretical model and corroborated the assumed mechanisms of effect. Nevertheless, in each case the analysis also revealed the limitations of their operationalisation. The size of the government's seat share was a catalyst for presidential activism. The low and waning seat share of Mečiar's and Dzurinda's cabinets increased the chances for Kováč and Schuster to see their vetoes sustained or to have their suggestions taken into account. Under Gašparovič, governments could rely on continuously stable majorities which decreased presidential activism. Nevertheless, the fact that both Mečiar and Dzurinda forged informal deals with defectors or with another party which secured the passage of their bills illustrates that this variable does not always capture a government's actual seat share in the assembly. For the same reason, the fragmentation of parliament did not have a unidirectional effect. The increase in parliamentary parties made gathering an override majority more difficult for the government. Yet at the same time, presidents too struggled to form alliances with parties. Their situation was aggravated by the fact that they either broke ties with their old party (Kováč, Schuster) or their par-

ty was not represented in parliament (Gašparovič). Therefore, they did not have a parliamentary party or group of deputies on which they could rely when trying to push through their interests.

The relationship between president and government proved equally important in the analysis which supports the assumptions of my theoretical framework. The degree to which presidents and governments differed on policy undoubtedly co-determined the level of presidential activism (which was illustrated by the comparison of vetoes with non-vetoed legislation). However, the Slovak case also shows the difficulties in coding these relations and provides an illustrative explanation of why their effect did not appear to be unidirectional in the empirical analysis. For instance, Rudolf Schuster had been chairman of the SOP and his candidacy had been part of the coalition treaty. As his (former) party was part of the government, the first episode would have to be coded as ‘unified’ or at least ‘neutral’. Nevertheless, once in office he suddenly opposed almost all of the government’s reforms making it the most active episode recorded in my data set. The example of Ivan Gašparovič on the other hand shows that presidents will still veto moderately frequently during neutral (or unified) relations to either improve their own re-election prospects directly or indirectly by supporting the views of smaller coalition partners.

As Tavits (2008, 119) points out, Slovakia ‘provides a “natural experiment”’ with regard to the effect of popular presidential elections. In her analysis of presidential activism in Slovakia, Tavits (2008) argues that ‘the mode of election did not seem to influence the level of Slovakian presidents’ activism and ‘did not bring any qualitative increase in presidential involvement’ (Tavits 2008, 128). However, my analysis comes to a different conclusion – rather than showcasing the insignificance of the mode of election for presidential activism, the Slovak case actually lends support to the argu-

ment. Nevertheless, I agree with Tavits (2008, 129) that an analysis of Slovakia alone cannot provide a sufficient test. There are several reasons why Tavits (2008) reaches a different conclusion. First, she relies on incomplete (and partially incorrect) data to draw her conclusions. Tavits (2008) includes no data on presidential vetoes under president Kováč and does not address the issue of government-mandated vetoes. Furthermore, she claims that Kováč referred 22 bills to the Constitutional Court (2008, 121), although there were only seven such requests (Orosz and Šimunčova 1998); her overview table also excludes data on review requests by presidents Schuster and Gašparovič. Tavits (2008) furthermore understates the undemocratic policies of the Mečiar government which were certainly more than a ‘personal antagonism’ (Tavits 2008, 128). Therefore, she draws conclusions about the activism of indirectly elected presidents based on Kováč’s activism in 1994-1998. Yet Kováč was subject to outright unconstitutional and personal attacks during this time; attempts to obstruct Kováč’s work as president ranged from (unsuccessful) impeachment votes (Goldmann 1999, 72) and the reduction of his budget to the point that only three staff were left (Haughton 2005, 124; of initially up to a hundred), to the abduction of Kováč’s son by the Slovak secret service (Henderson 2002, 45-46). Therefore, this time period does not allow for making generalisations about presidential activism in parliamentary democracies.

Table 51: The use of legislative powers by Slovak presidents, 1993-2010

President	Michal Kováč (1993-1998)	Rudolf Schuster (1999-2004)	Ivan Gašparovič (2004-2010)
Vetoes / % of bills	25 / 5.6%	100 / 13.1%	68 / 6.9%
Judicial review / % of bills	7 / 1.6%	1 / 0.1%	2 / 0.2%

The indirectly elected Michal Kováč used his veto power less often than his popularly elected successors. Over the course of his term, Kováč vetoed 5.6% of all legislation passed, whereas Rudolf Schuster vetoed more than twice as much with 13.1%. Ivan Gašparovič still vetoed 6.4% of all bills during his terms. The absolute difference be-

tween Kováč and Gašparovič is not as considerable, yet Kováč spent 88% of his term in cohabitation whereas Gašparovič's relations with the government were cohabitational only 60% of the time. The difference between the activism of Kováč and his predecessor becomes even clearer when taking into account the undemocratic game of the Mečiar government. During 1995-1998 parliament repeatedly only delivered bills to the president for signature one or two days before the deadline or failed to deliver them at all.¹⁷⁷ Tavits (2008) argues that Kováč vetoed these bills 'despite parliament's efforts to obstruct his ability' to veto them (Tavits 2008, 124). However, as the late delivery of bills meant that Kováč did not know the exact content of the bills, he was forced to use his veto 'blindly' to fulfil his constitutional role as check-and-balance. If one excludes these bills, Kováč's veto activity only concerned 4.5% of all legislation. Kováč was also most active during Mečiar II (12/1994-10/1998) and 15 vetoes were issued in 1996 and 1997. These are the only years since Slovak independence during which Freedom House ranked the country as only partly free (Freedom House 2014) and Kováč used his vetoes in an attempt to block a further deterioration of the state of democracy in the country. While Kováč used his right to request judicial review 7 times and thus more frequently than his successors combined, all but one request were successful.¹⁷⁸ This shows that the use of review requests was not necessarily politically motivated but rather due to the unconstitutionality of legislation.

The change to popular presidential elections also changed the way in which presidents saw their legitimacy and responsibility towards their principals which ultimately fuelled presidential activism. Almost all of my respondents expressed the opinion that Schuster and Gašparovič enjoyed not only more legitimacy but also that this furthered

¹⁷⁷ Three privatisation-related bills in July 1995 were not delivered at all and vetoed 'pre-emptively', in two further cases (11/1996 & 6/1997) bills were only delivered one or two days before deadline

¹⁷⁸ It was only unsuccessful because judges were evenly divided on the issue (Orosz and Šimunčová 1998, 130-133).

their ambitions and – in consequence – their activism. Kováč stressed in an interview that given his dependence on parliament he often decided not to become active (Slovak Spectator 1999) which corroborates the assumptions of my theoretical framework. Schuster on the other hand often stressed the fact that he was ‘elected by citizens’ (Mesežnikov 2004, 31) and called for an increase in his powers (Malová and Rybář 2008, 195f). Gašparovič equally called for more presidential powers and an extension of the presidential term to seven years specifically because he was popularly elected (Mesežnikov 2007, 34; 2009, 35). While it was not possible to fully disentangle the effects of popular elections and the simultaneously increased override threshold, these findings strongly suggest an independent effect of the mode of presidential election on activism.

4.3 Presidential activism in Hungary and Slovakia compared

The analysis of presidential activism in Hungary and Slovakia and the comparison of findings generally confirmed the results of the statistical analysis, yet not always as clearly as in Estonia and Poland. The case studies also suggested slightly different mechanisms of effect. Nevertheless, the effects of the mode of presidential election, the size of the governmental seat share and the relationship between president and government once again emerged as the most important determinants of presidential activism. In Hungary, the indirect election of the president did not directly lead to a lower level of presidential activism, yet reduced it after rulings of the Constitutional Court which drew among others on the mode of election to define the president’s constitutional role. Subsequently, presidents rarely used their powers for political reasons or to block policies but rather issued vetoes to highlight the low quality of bills and press for improvements. Michal Kováč, the only indirectly elected Slovak president, also used his veto to suggest

improvements of legislation and later refrained from using it except when there was a constitutional justification. Kováč's directly elected successors on the other hand were significantly more active and used their powers in (what they perceived as) the interests of their voters. Presidents in both countries usually took the size of the government's seat share into account when deciding about a veto; nevertheless, the analysis also pointed out two potential problems with this indicator of governmental weakness/strength. In Hungary, even governments with very slim majorities were able to override vetoes because the opposition of two partisan blocks led to a significantly higher voting discipline of deputies. In Slovakia on the other hand, governments that were officially in a minority often functioned as majority government because of informal agreements with party groups or individual deputies. In both cases, the seat share did thus not reflect the actual strength of the government and potentially led to misspredictions by the statistical model. Thus, it could be argued that it did not always matter whether the override threshold was relative or absolute (although the exceptional high majority had an effect in the case of Árpád Göncz). Nevertheless, a qualitative analysis can only give tentative evidence in this regard. Cohabitation increased presidential activism in both Hungary and Slovakia, but the analysis also highlighted some problems with coding the president-government relationship when presidents develop closer ties with government parties throughout their term. Interestingly, intra-governmental divisions emerged once again as an additional explanatory factor although these were often very bill-specific. Finally, the complete lack of activism by Hungarian presidents with regard to government formation and censure despite a continuously high level of non-partisan ministers casts doubt on the reliability of this indicator for measuring presidential involvement in these processes.

PART III:
SYNTHESIS OF RESULTS
—
UNDERSTANDING
PRESIDENTIAL ACTIVISM

5

PATTERNS AND SPECIFICS: INTEGRATING QUANTITATIVE AND QUALITATIVE FINDINGS ON PRESIDENTIAL ACTIVISM

Comparing the findings of quantitative and qualitative analysis is the most crucial step of the nested analysis approach (Lieberman 2005). Rather than merely concluding with separate results produced by each method, the findings are considered together and subject to a final comparative assessment. The integration of results is key to determining whether causes and effects can be plausibly linked (Lieberman 2005, 448) but also necessary to arrive at more valid, reliable and comprehensive conclusions. Do the independent variables work in the way assumed by the theoretical framework? To what extent do patterns found in the statistical analysis of presidential activism correspond to political practice? Are there additional explanations for presidential activism or how could the model be improved? These are the key questions this chapter seeks to answer. Unfortunately, Lieberman (2005) does not provide much guidance on this last step of the analysis. In my assessment, I will focus on crucial and challenging cases. Crucial cases are episodes of president-cabinet pairings which strongly confirm the effect of a given variable and allow for studying and illustrating its mechanism in detail. Challenging cases on the other hand are episodes which appear to contradict theoretical assumptions or are inconsistent with correlations found in the statistical analysis. These cases present the best basis for discovering problems with theoretical assumptions, variable coding and operationalisation as well as for discussing potential solutions.

The synthesis of results produces five main findings. First and foremost, popular presidential elections appear to increase presidential activism irrespective of any other

factors; the results of the in-depth analysis show that political practice is very well captured by the theoretical framework and statistical models. While some limitations with regard to the override threshold remain, there is strong evidence that popular elections had the theorised independent effect. Second, the relationship between president and government and the governments' seat share are the best predictors for presidential activism with regard to the political environment. Parliamentary fragmentation and the presidents' seat share on the other hand only have an effect in interaction with the governments' seat share and exceptionally high veto override majorities. Fourth, divisions within and between coalition parties present the most promising additional factor found in the qualitative analysis and should be included in future studies. Last, no clear patterns emerge with regard to the effect of presidential popularity and president-centred factors on activism. While there is some evidence that they have the potential to contribute to the understanding of presidential activism, more research based on strong theory needs to be conducted before they can be included in a more general explanation.

Two other variables – the number of laws passed by parliament and presidents' second term – exhibited the expected effect in the statistical models as well as in the in-depth analysis. Presidents vetoed more frequently when parliaments' legislative output increased as this also increased the probability that presidents found bills objectionable. A second term in office led to fewer vetoes as presidents no longer needed to highlight their policy positions to their respective electorates. This corroborates findings from previous studies (e.g. Lee 1975; Shields and Huang 1995, 1997); therefore I will not discuss these factors in detail. The effects of approaching parliamentary and presidential elections will also not be discussed in further detail. With one exception (see section 5.1) the in-depth analysis and my fieldwork provided little evidence of the electoral cy-

cle being a conscious part of presidents' considerations – despite statistically significant correlations found in the statistical models.

5.1 The mode of presidential elections: Direct elections matter

The statistical analysis and the in-depth case studies demonstrated that the mode of election was one of the main determinants of presidential activism – directly elected presidents were significantly more active than their indirectly elected counterparts. Popular elections provided presidents with a mandate independent from government and parliament and they used their powers more frequently in order to please their voters and block policy change.¹⁷⁹ Conversely, indirectly elected presidents acknowledged their lower legitimacy and dependence on parliament and on the (super-) majority that elected them. Because of this dependence, they restrained their activism and refrained from interfering in the legislative process. Likewise, indirectly elected presidents were largely inactive in government formation, censure and dismissal.

The episodes of Mádl-Medgyessy as well as Schuster-Dzurinda I¹⁸⁰ are crucial cases in studying the influence of the mode of election on presidential activism. In both cases, the indirect or direct election of the president appears to have been the most important factor in determining their activism. Although being clear outliers in terms of model predictions (see also Table 52)¹⁸¹, the episodes represent extremes of the expected effect and thus confirm rather than challenge the overall findings. Ferenc Mádl issued only three vetoes during Medgyessy's premiership even though the constellation of factors should have led to more presidential activism. Mádl clearly opposed the government's

¹⁷⁹ My interviews also demonstrated that political elites perceive the legitimacy of directly elected presidents to be higher and therefore tolerated presidential activism rather more than elites in systems with indirectly elected presidents.

¹⁸⁰ Schuster-Dzurinda I was not directly included in the in-depth analysis, yet discussed in conjunction with the case study of Schuster-Dzurinda II.

¹⁸¹ Mádl-Medgyessy is overpredicted (vetoes: 3, predicted: 9.35; ratio 0.32); Schuster-Dzurinda I is underpredicted (vetoes: 70, prediction: 30.57; ratio 2.39).

policies and the coalition was struggling with intra- and inter-party conflicts. Furthermore, the government relied only on a slim majority of 51%. Yet as my interviews showed, Mádl adhered to an established elite consensus (which among others was manifested in rulings of the Constitutional Court) that presidents should not involve themselves in the policy process because they derived their legitimacy from election in parliament. As demonstrated by Mádl's veto of the health care reform, the reluctance to interfere in political decisions played a major role in discussions about presidential vetoes and made other factors almost irrelevant.

Table 52: The effect of the mode of election on presidential activism – summary of results

Hypothesis:	Directly elected presidents are more active than their indirectly elected counterparts	
Results of NB:	Hypothesis confirmed; popular elections significantly increase vetoes per month	
Results of EHA:	Hypothesis confirmed; popular elections significantly decrease time between vetoes	
Episode ^{a)}	Mode of election	Results of in-depth analysis
Schuster – Dzurinda II 12.0% (2.10)	Direct	Popular elections likely most important for activism; higher legitimacy amplified effect of other factors
Wałęsa – Pawlak II 8.1% (1.05)	Direct	Popular mandate the main driver of activism; analysis highlights president acting independently from parliament and government
Gašparovič I – Fico I 4.1% (0.75)	Direct	Popular mandate important, overprediction as president tried to secure re-election and decreased activism to please parties
Kaczyński – Tusk 2.8% (1.06)	Direct	Exemplary case of popular elections leading to more activism as president wants to fulfil electoral promises & secure re-election
Kwaśniewski I – Buzek I 2.6% (0.65)	Direct	Popular elections together with other factors increased president's authority so much that he could veto policy informally
Sólyom – Gyurcsány II 1.8% (0.77)	Indirect	Comparatively accurate prediction, yet president's dependence on parliament weakened by lack of chances for re-election
Kováč – Mečiar II 1.7% (0.42) ^{b)}	Indirect	President dependent on parliament; overprediction through government's proactivity in requesting return of bills before veto
Meri II – Laar II 1.4% (0.82)	Indirect	President less active than during first term due to re-election deal with parties and thus greater dependence on parliament
Mádl – Medgyessy 1.1% (0.32)	Indirect	Effect of indirect election eclipses the otherwise favourable conditions for activism leading to overprediction
Rüütel – Parts 0.9% (0.93)	Indirect	Effect unclear despite accurate prediction; president strongly dependent on own party/party group rather than on parliament
Göncz II – Horn 0.5% (0.64) ^{c)}	Indirect	Indirect election responsible for fewer vetoes, yet only in conjunction with Constitutional Court rulings
Ilves – Ansip II 0.1% (0.59)	Indirect	President's understanding of his role as apolitical due to indirect election amplifies effect of factors unfavourable to activism

Notes: NB: Negative Binomial regression model; EHA: Event History Analysis; a) Data under episode names relates to % of bills vetoed during episode and ratio [vetoes/predicted number of vetoes; >1 = overprediction; <1 underprediction]; episodes ordered by % bills vetoed; b) the only episode under fully democratic conditions containing use of presidential powers; c) The only episode with veto use by president Göncz.

During his term in office, Rudolf Schuster used his veto very frequently despite conditions being overall unfavourable to presidential activism, particularly during the first Dzurinda cabinet (06/1999-10/2002). Schuster had been the candidate of the government (in which his former party participated) and the coalition held a clear majority of 61% in parliament. This should have reduced presidential activism, yet already during the first 18 months of his term Schuster vetoed 19 bills (9.6% of all bills; 1.8 times more vetoes than predicted by the model). He repeatedly stressed that he was ‘a supra-partisan president, elected by the citizens, [and] therefore supports decisions that are good for them [yet] not those that are bad’ (Mesežnikov 2003, 31; translation by the author). This suggests very strongly that his popular mandate was the main driver of his activism.¹⁸² The fact that he attached a much higher importance to direct electoral legitimation than to other factors can also partly explain why the statistical model – which gives equal weight to all factors – predicted a lower number of vetoes. This finding also highlights the advantages of mixed-methods approaches for the validation and correct interpretation of statistical models.

The Kaczyński-Tusk episode offers a more representative example of the working mechanisms behind the effect of popular elections on presidential activism; the mode of election played a less dominant role and the predictions of the statistical model closely match Kaczyński’s actual veto use (see Table 52). In his dealings with the government and his public appearances Kaczyński also made clear that he was elected as the president of a particular political programme (Polish Presidential Office 2008b). As he therefore only had to answer to his voters for his actions, he acted independently from government and parliament to fulfil his voters’ expectations (which meant amongst others blocking the government’s attempts to privatise state services). Nevertheless, Kaczyński

¹⁸² It also highlights that the mode of election had an effect that was independent of the higher veto override threshold requirement which Slovakia introduced at the same time as the popular elections.

also took other factors into account, such as the size of the seat shares of the government and of his own party to make sure his vetoes were successful. Yet even if vetoes were overridden, they still served as important signals to his electorate, highlighting his own policy position and his efforts to act as the agent of his electorate.

The above examples have shown how the in-depth case studies corroborated the results of the statistical analysis. The episodes of Gašparovič I-Fico and Kwaśniewski I-Buzek I analysed above appear to defy these conclusions at first glance. Despite their popular election, presidents used considerably less vetoes than the statistical model predicted. In the case of Gašparovič I-Fico this can be explained by difficulties in coding the president-government relationship and the exceptional strength of another effect of the mode of election – a decrease in presidential activism to secure re-election. For Kwaśniewski I-Buzek I the discrepancy probably stems from intra-governmental divisions and the higher veto override threshold, both of which cannot easily be included in the statistical model.

The constellation of independent variables during Gašparovič I-Fico would already predict a low number of vetoes. The government held a stable majority of 56% and parliamentary fragmentation was comparative low which made veto overrides very likely. The next parliamentary elections – which would have motivated Gašparovič to veto more frequently to highlight policy differences between parties – were still more than a year away and presidential elections were approaching so that it can be assumed that he reduced his use of vetoes to appear less controversial. Yet as these factors were all included in the model, they cannot be the cause of overprediction. The actual reason appears to lie in the nature of the president-government relationship and its coding. Gašparovič was chairman of the HZD¹⁸³ and had no official affiliation with any of the coali-

¹⁸³ The HZD was however never represented in parliament.

tion parties. Nevertheless, he shared some policy positions with the government so that the relationship was coded as neutral.¹⁸⁴ In practice, however, the relationship resembled unified relations. Furthermore, the episode shows the extreme effects of Gašparovič's quest for re-election. He attempted to stay as uncontroversial as possible as not to endanger his re-election (Mesežnikov 2010, 29) as well as to win the support of the government parties for his re-election campaign, and therefore reduced his veto use even further than predicted by the model.

When Aleksander Kwaśniewski faced the first Buzek cabinet, the constellation of independent variables was only moderately more favourable for activism. Nevertheless, the specific combination of factors actually increased Kwaśniewski's leverage of the government so much that he did not even need to use his veto to influence policy. The government held a clear majority of 57% and would thus have been able to override presidential vetoes despite the high threshold (3/5) with the help of just a dozen opposition deputies. Nevertheless, there were often great differences in the positions of AWS and UW and both suffered from low discipline. As Kwaśniewski's SLD held 35% of seats in parliament, it was almost singlehandedly able to prevent a veto override and Kwaśniewski could thus influence legislation without even needing to threaten a veto (see section 5.2 – 'Presidential seat share' for a more detailed discussion).¹⁸⁵

The in-depth case studies also produced two further valuable insights. First, while directly elected presidents returned legislation to parliament because of their opposition to its content, indirectly elected presidents mostly vetoed due to technical-legal shortcomings of bills. This finding can easily be incorporated in the theoretical framework as it further specifies incumbents' responsiveness to different electorates. For indirectly

¹⁸⁴ Prime Minister Fico's SMER-SD had supported Gašparovič's candidacy, but Gašparovič had defeated the candidate of the HZDS (SMER's coalition partner and Gašparovič's former party) in the second round of the 2004 presidential elections (Rybář 2005).

¹⁸⁵ The results of interviews showed that after Kwaśniewski's first successful vetoes, the government began to coordinate each larger reform project with the president before it was introduced in parliament.

elected presidents, technical vetoes present an opportunity to be active without interfering too strongly in the work of the assembly. This way they acknowledge their lower legitimacy and do not decrease their chances for re-election.¹⁸⁶ Conversely, directly elected presidents should attempt to appeal to their voters based on policy and therefore rather veto bills due to their content. This is a finding that might not have necessarily been produced by a most-similar systems design, as it only emerged from contrasting a variety of different cases.

The second additional insight is that the lack of a re-election motive can both increase and decrease activism. These distinct effects became most evident in the study of László Sólyom and Ferenc Mádly in Hungary as neither intended or had the chance to run for re-election. My respondents highlighted that Mádly made it clear from the beginning that he would only serve one term.¹⁸⁷ As a consequence, Mádly was in effect the functional equivalent to a president in the second term – he could enjoy the spoils of office but had no motivation to appeal to a wider base of voters to ensure his re-election and thus only became active when he felt very strongly compelled to do so (or was tricked by the government). Sólyom had not decided about the possibility of re-election at the beginning of his term. Nevertheless, he must have realised that his chances for re-election were very small as he grew more and more isolated from government and parliament. In contrast to Mádly, the lack of re-election prospects appears to have rather increased Sólyom's activism and he exploited the fact that he could not be 'punished' by deputies.¹⁸⁸ However interesting it would be to control for the lack of a re-election motive in the statistical analysis, given the limited evidence and limited possibilities for

¹⁸⁶ As mentioned in the analysis, president Mádly's apparent preference for using judicial review requests over vetoes can also be interpreted as a result of this mechanism.

¹⁸⁷ After his unsuccessful candidacy in 1995 he had even at first declined to run again at all.

¹⁸⁸ Nevertheless, due to the constellation of factors towards the end of Sólyom's term this cannot be established with certainty.

operationalisation¹⁸⁹, it is not clear whether the inclusion of such a variable would improve the models.

5.2 The president and other institutions

Apart from the mode of election, the relationship between president and government and the parliamentary strength of the government emerged as the most important explanations for presidential activism and confirmed initial assumptions. The size of the president's support base in parliament and parliamentary fragmentation were overall less important and only partly corroborated in the case studies. The parliamentary strength of the president's party only played a role when president and government were not in cohabitation or when extraordinarily high veto override thresholds were required. High parliamentary fragmentation only increased presidential activism when it was caused by defections from government parties and thus decreased the governmental majority.

President-government relations

Policy is an important part of presidents' motivation to run for office as well as for their activism once they are elected. Therefore, my theoretical framework posited that presidents should veto more frequently when they are in ideological opposition to the government and less frequently when the policy position of the government approximates their own views. This relationship was confirmed not only in the statistical models but also by the qualitative analysis.

A crucial case in this regard is the brief interlude of unified relations between Slovak president Michal Kováč and the cabinet of Jozef Moravčík from March to December in

¹⁸⁹ Presidents do not generally disclose their ambitions as not to become a 'lame duck' in office. Yet post-factum measures, e.g. whether an incumbents runs again or not, are also not reliable indicators. Furthermore, as indirectly elected presidents need the support of parties, they might not run at all if the constellation of partisan forces in parliament is such that they will definitely fail to be re-elected or they might simply not be nominated again.

1994. Here, the positive relations between president and government had greater relevance than any other factor. Following Kováč's controversial state of the nation address Prime Minister Mečiar had lost a vote of confidence and Jozef Moravčík formed a new government of former opposition parties. The coalition parties were extremely diverse ideologically (stretching from a splinter of the far-right Slovak National Party to the post-communist Party of the Democratic Left) and only held 43% of seats. The relations between government parties and between the government and its support parties were consequently characterised by frequent conflicts (EECR 1994c). Furthermore, parliamentary elections were approaching and the coalition passed the second stage of voucher privatisation which – based on Kováč's previous activism with regard to bills of high impact on public finances – should have increased the likelihood of a veto. However, Kováč's support for the government made these factors less relevant. Before the formation of the Moravčík government, he had met regularly with parties and was likely pivotal in bringing the coalition together. As parliament had unanimously decided to hold early elections, Kováč also had an interest not to use his powers until then so that the government appeared more successful. Due to the unified president-government relations, Kováč did not use his veto once despite favourable conditions – the model would have predicted at least 2.9 vetoes during this episode.

The cohabitation between Kaczyński and the Tusk government once again provides a representative example that illustrates the working mechanisms of the effect of president-government relations. Kaczyński repeatedly highlighted that his main motivation for activism was policy and therefore blocked any attempts to alter the status quo that the governments of his own party had previously established. As the coalition under Tusk began reverting some of the policies and passed reforms to which Kaczyński had previously declared his opposition (e.g. the privatisation of hospitals), the president

used his veto to block these initiatives. While he justified most vetoes by referring to legal problems, the actual reasons were political (as also evidenced by the results of my interviews) and he often described the government's bills as 'ill-conceived'.

Aleksander Kwaśniewski's level of activism during the first Buzek cabinet was lower than predicted by the quantitative models which – given the cohabitation between president and government at the time – runs counter to the overall findings. As explained above, the likely causes for this are the divisions within the government in combination with the high override majority and Kwaśniewski's large support base in parliament.¹⁹⁰ Nevertheless, there seems to be another explanation for the overprediction related to president-government relations. Interviews with my political respondents suggested that the actual effect of president-government relations is at times co-determined by the personal relationship between the president and the Prime Minister or coalition party leaders. Better personal relations between key actors improve coordination and allow for reducing activism.¹⁹¹ As I highlighted in the analysis of Arnold Rüütel's activism during the government of Juhan Parts, Rüütel vetoed only during a period in which informal communication between president and government was suspended. This shows that coordination and closer contacts can significantly reduce (if not prevent) activism. Kwaśniewski and Buzek generally had a positive and cooperative working relationship characterised by frequent personal meetings. That the level of activism was lower than expected activism during Kwaśniewski I-Buzek I can thus also be explained by the generally positive relationship between president and Prime Minister. Furthermore, in Hungary respondents highlighted that president Sólyom's dislike of

¹⁹⁰ See also subsection 'Presidential seat share' in this chapter.

¹⁹¹ It appears that formal means of coordination – such as the 'Rada Gabinetowa' in Poland or the presence of presidential representatives at cabinet meetings and membership in governmental committees – had less practical relevance in reducing presidential activism. One of my respondents from the Polish presidential administration explained that at times no representative of the president attended cabinet meetings 'because they had better things to do'.

Prime Minister Gyurcsány was partly mitigated by his good relationship with the leader of his coalition partner's party group (SZDSZ), János Kóka (although here it is more difficult to differentiate between personality- and policy-based antipathy).

Governmental seat share

The size of the government's seat share in parliament is the key determinant of whether a veto can be overridden and an important part of presidents' calculations before the use of this power. Its influence on presidential activism was confirmed by my statistical models and the in-depth analysis; presidents vetoed less often if the government held a large majority in the assembly and vice versa. Nevertheless, the case studies also showed that this effect can be mitigated by high override majorities and by divisions within or between coalition parties.

The majority of respondents from presidential administrations confirmed that the size of the governmental seat share was the key factor in assessing the chances of success of a potential veto. This strongly corroborates the assumptions about presidential pre-veto considerations made in my theoretical framework and the results of the statistical models. The effect is more difficult to illustrate on the basis of a crucial case study than for other factors. Changes in the seat share – be it within or between episodes – almost only appeared in the form of decreases (see Table 53) which often coincided with approaching parliamentary elections. Yet the problem of distinguishing between the effects of both variables does not call the results of the statistical models into question. It rather highlights the strengths of a mixed methods approach in combining the advantages of quantitative and qualitative methods to arrive at meaningful conclusions. The interviews confirmed the relevance of the government's seat share and coefficients for both the seat share and approaching elections variables were significant in the regression models.

Table 53: The effect of president-government relations and the governmental seat share on presidential activism – summary of results

Episode ^{a)}	Pres-Gov relation	Gov. seat share ^{d)}	Results of in-depth analysis
Schuster – Dzurinda II <i>12.0% (2.10)</i>	Cohabitation	52% → 45%	Vetoes were motivated by policy differences between president and government, yet the size of the government's seat share played a less important role
Wałęsa – Pawlak II <i>8.1% (1.05)</i>	Cohabitation	66% → 65%	President vetoed mostly because of policy differences with the larger coalition party; vetoes despite large majority due to higher override threshold and divisions within coalition
Gasparović I – Fico I <i>4.1% (0.75)</i>	Neutral	57% → 56%	Relationship between president and government in practice rather unified, therefore the seat share of the government did not play a large role but the clear majority probably still prevented more veto activity
Kaczyński – Tusk <i>2.8% (1.06)</i>	Cohabitation	52% → 51%	Episode is exemplary with regard to the effects of cohabitation as president vetoed due to policy differences; the effect of the government majority was altered by the high override threshold
Kwaśniewski I – Buzek I <i>2.6% (0.65)</i>	Cohabitation	57% → 53%	Vetoes were clearly motivated by different policy positions; overpredicted because president was able to influence policy informally due to strong intra-governmental divisions & override threshold
Sólyom – Gyurcsány II <i>1.8% (0.77)</i>	Cohabitation	54%	Cohabitation with the government made the president more aware of shortcomings in legislation; seat share plays subordinate rule (yet more vetoes in following episode when government in minority)
Kováč – Mečiar II <i>1.7% (0.42)^{b)}</i>	Cohabitation	59% → 42%	Relationship between president and government characterised by policy differences but vetoes rather technical; president always became active shortly after seat share decreased
Meri II – Laar II <i>1.4% (0.82)</i>	Neutral	52%	Fewer and more technical vetoes due to neutral relations; size of seat share not too important for activism (also due to cooperation of opposition parties with government)
Mádli – Medgyessy <i>1.1% (0.32)</i>	Cohabitation	51%	President more active than during unified relations before but no veto because of policy differences; only limited evidence that the size of the government's seat share played a role
Rüütel – Parts <i>0.9% (0.93)</i>	Unified	58%	President vetoed to block policies that his party (which was in the government) opposed; higher seat share decreased presidential activism as government also able to pass policy without president's party
Göncz II – Horn <i>0.5% (0.64)^{c)}</i>	Unified	72% → 70%	Vetoes were in part motivated by the president's policy orientation; veto despite large government majority only because of exceptionally high override majority
Ilves – Ansip II <i>0.1% (0.59)</i>	Unified	59%	No vetoes because of policy differences due to unified relations; less vetoes due to large government majority (more vetoes in following episode when minority gov), one veto due to high override threshold

Notes: NB: Negative Binomial regression model; EHA: Event History Analysis; a) Data under episode names relates to % of bills vetoed during episode and ratio [vetoes/predicted number of vetoes; >1 = overprediction; <1 underprediction]; episodes ordered by % bills vetoed; b) the only episode under fully democratic conditions containing use of presidential powers; c) The only episode with veto use by president Göncz; d) The arrow shows the development during the episode.

Thus, even without a crucial case the combination of methods produces strong results that allow for attributing an independent effect to the government's seat share.¹⁹²

The effect of the governmental seat share becomes more apparent when analysing the reasons why presidents vetoed *despite* large government majorities. The case studies showed that these tended to be singular incidents where the government's majority was temporarily weakened. Their analysis thus highlights both the effect of a large governmental seat share as well as additional explanatory factors for presidential activism. In the in-depth case studies, Toomas Hendrik Ilves and Árpád Göncz both vetoed legislation even though the government held 59% or even 70% of seats. In both cases the reasons were intra-governmental divisions and extraordinary override majorities. When Ilves' vetoed the bill on MPs' salaries the coalition parties were divided over the bill and all deputies of its largest party abstained in the final vote. Despite a formally large governmental seat share, the bill was thus initially passed only with a slim majority. Furthermore, §107 of the Constitution required an absolute majority for the passage of the bill which decreased the chance of a veto override. Therefore, the president might not have vetoed the bill if not for this particular constellation of factors. Árpád Göncz also used his veto on a bill that required a higher than usual majority to be overridden. Any changes to law on the status of MPs needed to be passed by a 2/3-majority and a veto override would also have to meet this requirement. Although the government held 70% of seats, the MSZP of Prime Minister Horn was divided over the bill and it was not clear whether the coalition would be able to pass it again with the required majority.

¹⁹² Even the phenomenon of 'functional' majority governments in Slovakia does not call this effect into question. Governments that lost their parliamentary majority due to defections sometimes continued to function as majority governments thanks to informal agreements with other party groups and individual opposition deputies. Nevertheless, these agreements were informal and therefore considerably weaker than coalition agreements. Informal agreements did not create considerably more stable governments, but the ability of 'functional' majority governments to override presidential vetoes was slightly higher than those of minority governments relying on alternating majorities. Thus, the government's strength can still be reliably measured by the size of its 'official' seat share and the finding does not call the reliability and validity of the variable into question.

This increased Göncz' chances of success and the high override threshold is probably one of the most important factors in explaining the veto. Intra-governmental divisions were a common occurrence in the analysed episodes and will therefore be discussed separately in section 5.3 of this chapter. The issue of higher majorities for specific laws only appeared in the cases mentioned above (although most constitutions specify such exceptions); Poland is the only case where an exceptionally high majority was required for veto overrides at all times. Unfortunately, the case studies could only provide limited evidence on whether the difference between relative or absolute override majorities – which was almost perfectly correlated with the mode of election – had an independent effect on presidential activism.¹⁹³ Therefore, further statistical tests on a more varied sample are necessary to derive a definite conclusion.

Polish presidents often vetoed even though governments held large majorities. The high override thresholds (1989-1997: 2/3; 1997-present: 3/5) practically reduced governments' seat shares so that presidential vetoes had a higher chance of success. This mechanism of effect became clearest during Kaczyński's cohabitation with the Tusk government when the government was often unable to override the president's vetoes. Nevertheless, during Kwaśniewski I-Buzek I, the higher override threshold (together with Kwaśniewski' large parliamentary support base – see next section) increased the president's bargaining weight so much that it actually lowered the number of presidential vetoes. A similar pattern can be observed for Lech Wałęsa's activism during the Suchocka government (07/1992-10/1993). The government was in a minority from the start which significantly increased Wałęsa's leverage over the coalition. Therefore, he only had to use his veto on four occasions which is three times less than the model predicted. From the Polish case and the examples of Ilves and Göncz above it appears that

¹⁹³ For instance, the fact that even minority government often functioned as majority governments due to deals with other parties or individual deputies might suggest this difference was potentially less relevant.

the effect of override thresholds is not uniform. High override majorities that only apply to certain laws present exceptional opportunities for presidents to become active and appear to increase veto use. Nevertheless, it would be difficult to control for these bills in a statistical model unless they concern the likelihood that a specific bill is vetoed. The high override threshold in Poland that applies to all laws on the other hand appears to decrease the use of vetoes, but for both Kwaśniewski and Kaczyński its effect also interacted with the size of the presidential support base in parliament.

Presidential seat share

My theoretical framework assumed that not only a larger governmental seat share would be associated with fewer vetoes but also a larger seat share of the president's party. A larger parliamentary support base should increase the extent to which legislation passed by parliament conforms to the president's policy preferences and enables her/him to indirectly make suggestions to bills before they are even passed. It should also increase presidents' bargaining power vis-à-vis the parliamentary majority as a large representation makes it easier to prevent a veto override. However, only the results of the negative binomial regression corroborated the hypothesis and the case studies showed that the mechanism of effect is decidedly different from the assumptions of the theoretical model. The in-depth analysis suggested that an increasing seat share will not increase presidents' influence over legislation unless the president's party is an important coalition party or it is the largest opposition party and can – thanks to a high override majority – almost singlehandedly prevent a veto override.

In my case study countries, only presidents Göncz, Rüütel, Kwaśniewski and Kaczyński were members of parties that also held seats in parliament. While Ivan Gašparovič was honorary chairman of the HZD, the party was not represented in parlia-

ment.¹⁹⁴ An effect of the president's seat share became most apparent in the analyses of Kwaśniewski's and Kaczyński's activism. However, in both analysed episodes Kwaśniewski's SLD and Kaczyński's PiS held 35% of seats in the Sejm, i.e. only 5% less than necessary to block a veto override. Furthermore, the larger seat share only decreased Kwaśniewski's activism and rather increased Kaczyński's (nevertheless, Kaczyński-Tusk is still very well predicted by the model). Árpád Göncz' SZDSZ also held a considerable number of seats (25%) during the 1990-1994 term of the Hungarian parliament, but could only significantly influence legislation when super-majorities were needed to pass bills, e.g. in the case of the media law in 1992 (Ilonszki and Kurtán 1993). A lower number of presidential vetoes can also not be attributed to the presence of Arnold Rüütel's People's Union (RL) in parliament. From Rüütel's election in October 2001 until joining the Parts government after the parliamentary elections in March 2003, it only held 7% of seats and my interviews did not suggest a significant influence. However, when SZDSZ and RL were in government, they were able to influence legislation, and Göncz and Rüütel only vetoed on the comparatively rare occasions that their party's position (and thus their own) was not reflected in the respective governments' policies. Presidents without parliamentary representation on the other hand had hardly any possibility to influence legislation during its drafting stages. While lawmakers usually knew presidents' views on certain bills through informal contacts, presidents could not formally propose any amendments.

These findings – in connection with the more detailed discussions of the interactions between various factors and override thresholds above – call for the rethinking of the effect of the presidential seat share on presidential activism. It appears that the effect alternates between two extremes and is thereby dependent on the relation of the presi-

¹⁹⁴ Ilves and Schuster on the other hand were previously party chairmen but cut their ties with their parties upon inauguration. Ilves and Gašparovič established very close links to other parties over time, yet Schuster failed to do so.

dent's party to the government majority and the veto override threshold. When the president's party participates in the government, its influence over legislation and thus the ideological overlap of bills with the president's policy preferences will increase in accordance with its seat share.¹⁹⁵ Yet when the president's party is in the opposition the size of its seat share does not have the same near-linear effect. It only appears to matter if the veto override threshold is exceptionally high and the president's party commands (almost) enough votes to block override attempts or if supermajorities are needed to pass specific laws. This also means that some of the potential problems discussed in connection with the limitations of my theoretical framework exist and that the current theoretical framework partially underestimates presidential activism – albeit only under the specific (and within the remit of my sample unique) circumstances outlined above.

Fragmentation of parliament

Parliamentary fragmentation did not have a significant effect on presidential activism in my statistical models. The results of the in-depth analysis, too, showed little support for an independent and unidirectional effect. Contrary to the assumptions of my theoretical model, a high level of fragmentation did not always decrease the ability of party groups to coordinate a veto override. Overall, parliamentary fragmentation only seems to affect presidential activism if it also affects the governmental seat share.

My theoretical framework assumed that high fragmentation would increase coordination costs between parties. Higher coordination costs would decrease the likelihood of veto overrides and therefore increase presidential activism. There are several episodes which appear to be crucial cases at first sight because low or high levels of fragmentation are superficially associated with different levels of activism. Yet it can be demon-

¹⁹⁵ As the case of the Parts government under Arnold Rüütel shows, if the president's party participates in the government as a junior coalition partner it is still possible that its policy position is not reflected in all legislation.

strated in all cases that the decisive factor was the size of the government's seat share (see also Table 54). For instance, Michal Kováč issued his very first veto shortly after eight deputies of the governing HZDS left the party and formed their own party group in parliament creating a spike in parliamentary fragmentation. During the second Buzek cabinet (06/2000-10/2001) Aleksander Kwaśniewski also often used vetoes following recent increases in parliamentary fragmentation. In both cases presidents became active because of the decreased governmental seat share caused by defections of deputies who set up their own party groups. The greater parliamentary fragmentation does thus not explain the vetoes. Conversely, the low fragmentation during Göncz II-Horn was not the real reason behind the small number of vetoes during the episode. The large and stable government majority as well as the unified president-government relations and Göncz' indirect election likely eclipsed any effect the low fragmentation might have had. Last, Lech Kaczyński was able to secure the success of his vetoes during the Tusk government due to low rather than high parliamentary fragmentation. As Kaczyński's PiS and the Democratic Left Alliance (SLD) were the only opposition parties at the time, it was much easier for the president to block veto overrides (although only in certain policy areas) than if the opposition had been fragmented.

The case studies therefore highlighted that parliamentary fragmentation fails to explain presidents' vetoes because it does not reflect parties' varying ability to override them. The general potential for overrides can also not be operationalised by using the polarisation of parliament as an alternative variable. While increased polarisation could be assumed to decrease the general willingness of parties to collaborate on a veto override, the analysis of Kaczyński-Tusk has shown that cooperation is very issue-specific. The national-conservative PiS and the centre-left SLD agreed on blocking privatisation bills, but did not cooperate with regard to the reform of the general prosecutor's office

(where the SLD voted with the government) and other presidential vetoes. Even if overall polarisation is very high, a large governmental seat share would still outweigh its effect and allow the government to override a veto. This conclusion is also supported by the fact that the case studies pointed towards divisions between or within government parties rather than overall parliamentary fragmentation as an important determinant of presidential vetoes.

5.3 Additional explanations

Divisions within and between government parties and presidential popularity are two additional explanatory factors suggested by the in-depth analysis and above discussion. Furthermore, this study has so far relied on presidency-centred factors (i.e. the constitutional factors and the political environment) to explain presidential activism. Nevertheless, it is also necessary to give at least a tentative evaluation of the extent to and way in which president-centred factors (i.e. those related to the president as an individual) can still add to the understanding of presidential activism. Upon closer investigation, only intra-governmental divisions promise to meaningfully complement the existing framework at this point. Yet as divisions only influence presidential activism when the government's seat share is small or high override majorities are required, its inclusion into the framework comes at the cost of slightly reduced parsimony. The two remaining factors also show some potential. However, their patterns of effect are still unclear and further, theory-driven research is needed before they can be effectively included in systematic explanations of presidential activism.

Intra-governmental divisions

The case studies suggested divisions within the government as an important reason for presidential vetoes even if the conditions for presidential activism were otherwise unfavourable. Sometimes only one of the government parties was divided over a policy issue, but divisions usually appeared between coalition parties. Typically, disagreements between coalition partners decreased voting discipline of parties and furthered defections. This significantly altered the chances of success for presidential vetoes in a way that is difficult to capture by quantitative indicators.

The case study analysis showed two ways in which intra-governmental divides increased presidential activism. Most commonly, presidents vetoed more frequently because the coalition was not able to override the vetoes, yet when their own party was part of the government they vetoed to defend their party's interests. When Kwaśniewski vetoed amendments to the law on family planning, he made use of the fact that the bill was only supported by the conservative AWS while the junior coalition partner, the centre-liberal UW, largely opposed it. Although the government held 57% of seats and would have been able to count on the support of several opposition deputies to cross the 3/5 override threshold, it was unable to override the veto without the votes of most UW deputies. Gašparovič likewise used divisions between coalition partners when he vetoed environmental legislation that was supported by the largest coalition party SMER-SD, but opposed by the junior coalition partners (ĽS-HZDS and SNS). Rüütel's veto of the European Parliament Election Act illustrates another way in which divisions can lead to activism under unlikely circumstances. As Rüütel's own 'People's Union' participated in the government, he found himself in unified relations with the Parts government, yet his party opposed the bill and applied pressure on the president to veto it. Similarly to

the Polish and Slovak examples, the veto was caused by inter-party divisions, but was motivated by Rüütel's desire to defend his party's interests.

Divisions between parties increased the use of presidential vetoes irrespective of presidents' relations with the government. Neto and Strøm (2006) and Tavits (2008) use the number of parties in government to control for divisions, yet my in-depth analysis demonstrated that divides between coalition partners were almost as likely to appear if only two parties were in government (e.g. between SLD and PSL in Poland or MSZP and SZDSZ in Hungary) than when there were three or more. The ideological range of the government or its polarisation might provide better measures of the likelihood of policy disagreements that weaken a government. Nevertheless, the extent to which divisions increase presidential activism is still partly dependent on the size of the governmental seat share. Governments with a large majority can tolerate disagreements and internal divisions more easily as their ability to pass bills and override vetoes is usually not threatened even if several of its deputies fail to vote with the majority.¹⁹⁶ However, the slimmer the parliamentary majority the more vulnerable a government becomes to dissenters.

In summary, divisions between government parties are an important additional factor to explain presidential activism and way to measure governmental strength. Therefore, they should be incorporated into the existing theoretical framework in future studies. The effect of divisions is dependent on the governmental majority (as well as veto override thresholds) and would thus reduce the framework's parsimony. Given that the coefficient estimate for the government's seat share was statistically significant in all models, including a measure for intra-governmental divisions in a model might also not necessarily increase model fit or improve its predictive power. However, the additional var-

¹⁹⁶ The government then either still has a majority or it is easier to find a handful of supporters from to opposition.

iable significantly improves the theoretical framework and increases its explanatory capacity which should take precedence over difficulties in operationalisation and measurement.

Presidential popularity

Presidential popularity is an established explanatory factor in American presidential studies where it is typically argued that increasing popularity decreases activism. Higher public approval ratings increase presidents' leverage in negotiations with the legislature and thus their ability to shape policy in accordance with their preferences. Conversely, presidents should veto more if they are unpopular (Rhode and Simon 1985; Shields and Huang 1995; 1997). The Polish case studies suggested that presidential popularity could be an additional factor in explaining presidential activism. However, it is difficult to determine whether decreasing popularity was the cause of more vetoes and other factors – such as a small governmental seat share – appear to have eclipsed the effect of high public approval. Until there is more research on the effects of public approval within parliamentary and semi-presidential systems and their interaction with other variables, it remains problematic to formulate more general hypotheses and use presidential popularity as an additional explanatory variable.

The case studies demonstrated that both Wałęsa and Kaczyński vetoed more frequently when their popularity was declining, but in both cases it is not possible to refute the alternative hypothesis that presidents do not veto because of low approval ratings but that more activism causes unpopularity (see Groseclose and McCarty 2001). At first glance, Kwaśniewski's comparatively low number of vetoes during the first Buzek cabinet appears to confirm the hypothesis that high approval ratings lead to fewer vetoes. Kwaśniewski's popularity increased his leverage over the government and his position

was taken into account when new bills were drafted so that he did not need to become active. However, Kwaśniewski's high approval ratings (averaging 68% throughout his term) did not always reduce his activism and he issued most vetoes at the peak of his popularity. Particularly his exceptionally high level of activity during the second Buzek cabinet (06/2000-10/2001)¹⁹⁷ suggests that the effect of popularity might at times be eclipsed by other factors. Buzek II was a minority cabinet consisting only of the AWS which lost more and more deputies as the 2001 elections approached. As predicted by my theoretical framework and in line with the results of the statistical models, Kwaśniewski therefore vetoed more frequently. It therefore appears that his popularity did not play a role.

These qualitative insights are naturally limited in their ability to provide the basis for rejecting popularity as an additional explanatory variable. In any case, a potential effect on presidential activism would seem to be less straightforward than in the U.S.-American presidential system. The popularity of the government as the second (and typically dominant) executive actor need would need to be taken into account as well as factors with a potential influence on presidential popularity (e.g. scandals or previous use of vetoes and other powers). Until further research into these matters allows for formulating hypotheses that credibly present the seemingly more complex links between presidents' popularity and their activism, it would be unwise to include the former as an additional explanatory variable.¹⁹⁸

¹⁹⁷ Kwaśniewski vetoed 20 bills in 17 months (5.8% of legislation), whereby 16 vetoes were issued during the last four months of the government's term.

¹⁹⁸ As the availability of comparable data with regard to CEE is very limited, it would also be necessary to test such hypotheses on a different sample.

Presidential personality and perceptions

This thesis has overall focussed on testing and validating hypotheses on the effect of president-centred factors (i.e. constitutional factors and the political environment) on presidential activism. Their explanatory power has been confirmed by both statistical models and case studies. Yet, given that many authors also use presidents' perceptions and personalities as explanations (e.g. Baylis 1996; Gallagher 1999; Kristinsson 1999; Frison-Roche 2007; McMenemy 2008), it is still necessary to assess to what extent they can add to the understanding of presidential activism. Due to the focus of this study, the discussion below can naturally only provide a tentative evaluation. Overall, the results with regard to president-centred factors are mixed. While associated variables could at times provide additional or alternative explanations of presidential behaviour, either no clear patterns emerged or it was not possible to fully differentiate between the effects of constitutional arrangements and presidential perceptions.

Lech Wałęsa's idiosyncratic behaviour has been mentioned in the literature (Kolakiewicz 1993; Simpson 1996; Zubek 1997; Millard 2000) and was used by my (political) respondents more often than for any other president to explain his behaviour. Yet, the analysis of Wałęsa's cohabitation with the second Pawlak cabinet also allowed for a different conclusion in this regard. It seemed that seemingly idiosyncratic behaviour could be explained by the effects of his popular mandate, cohabitation and intra-governmental divisions in combination with a high veto override threshold. On the other hand, president-centred factors might have played a role but their effect coincided or interacted with those of presidency-centred variables (and potentially reinforced them), particularly the effect of popular elections.

The case studies showed that perceptions of the presidency by individual office holders (the most frequently invoked president-centred factor in the European context) as

well as those of political elites in general were to a certain extent dependent on the mode of election (and occasionally presidential powers). It could be argued that presidents' perceptions of their office were therefore largely based on constitutional stipulations of which the mode of election was the most striking. Popularly elected presidents shared the perception that their independent political mandate established them as actors on equal footing with parliament and government. Conversely, indirectly elected presidents derive their legitimacy from parliament from which they inferred that they should play a less prominent role in comparison with other institutions. In Hungary, this was furthermore reinforced by the decisions of the Constitutional Court which used the mode of presidential election to curtail presidential competencies. My interviews also demonstrated that political elites considered the legitimacy of directly elected presidents to be higher and therefore tolerated presidential activism rather more than elites in systems with indirectly elected presidents.

The qualitative analysis also produced mixed results with regard to the explanatory power of president-centred factors for specific instances of presidential activism. There is some evidence that presidents' personal backgrounds can contribute to explaining specific activity. For instance, it is likely that Michal Kováč chose to veto bills concerning public finances due to his background as a political economist and that Lech Wałęsa's piety was partly responsible for his veto of the liberalisation of abortion. The same applies to the frequent use of judicial review requests by Ferenc Mádl and László Sólyom in Hungary who were both legal experts before becoming presidents. Nevertheless, at least within the remit of this study it was not possible to see how these individual explanations could be extrapolated to more general explanations of presidential activ-

ism.¹⁹⁹ President-centred variables might thus have the potential to contribute to the understanding of presidential activism. However, the theoretical foundations still remain underdeveloped and the lack of a systematic approach currently hinders research in this area.²⁰⁰ Therefore, it is unfortunately not possible to include president-centred factors into the explanatory framework of this thesis at the moment.

5.4 Vetoes as an indicator of presidential activism

This study has preponderantly relied on vetoes to test hypotheses on presidential activism. Overall, the statistical analysis in combination with the qualitative case studies has shown that presidential vetoes provide a valid and reliable indicator of presidential activism. Although some limitations exist, they still present one of the most effective ways to operationalise and analyse presidential activism and are in some regards superior less direct measures of presidential activity.

Vetoes are a direct measure of presidential activity and it can be established without doubt when they were used. While presidents also sometimes threaten to use their veto without following through, the results of the qualitative analysis suggest that these threats were significantly less frequent than actual veto use. Furthermore, although I found that a large presidential seat share can make governments more responsive to threats, the circumstances for this appear to be relatively specific and thus do not necessarily challenge overall findings. Moreover, there is only little evidence that presidents did not veto due to informal deals with other actors or strategic considerations – a concern raised in the discussion of my theoretical framework. An underestimation of activism by using vetoes as the dependent variable in this regard thus seems – at least with

¹⁹⁹ For instance, Slovak president Ivan Gašparovič also had a strong legal background, yet only requested judicial review twice in ten years and signed bills which were evidently unconstitutional.

²⁰⁰ Work that focuses on specific character traits of politicians (e.g. De Landtsheer and De Sutter 2011) as suggested by Tavits (2008, 135) appears to be the most promising avenue here.

reference to CEE – unlikely. Respondents in all countries stressed that despite extensive consultations with political and legal advisors, vetoes were eventually always presidents' personal decisions. This distinguishes them from the share of non-partisan ministers which can only measure the extent to which assumed presidential involvement in government was successful. Regulations about the use of presidential vetoes are also more uniform than those governing presidential involvement in government formation which facilitates cross-country comparisons. My case studies furthermore confirmed that policy is one of the main motivations for presidential activism. Presidents' everyday activities and decision-making is therefore dominated by interactions with government and parliament and presidents' attempts to influence legislation. On the other hand, the composition of a new government is largely dictated by parliamentary arithmetic and government formation is a comparatively rare opportunity for activism. The latter also applies to possibilities for the use of other, less common presidential powers (announcing referenda, nominating candidates for judges and ombudsmen etc.) or the refusal to perform certain duties. By using vetoes as the dependent variable, presidential activism can also be studied under a much greater variety of circumstances which strengthens the credibility of conclusions. As shown by the event history analysis, even the effect of variation in the constellation of independent variables before the use of a veto can be studied effectively.

There are still some limitations on using presidential vetoes as a measure of presidential activism which need to be considered. First, the analysis has shown that vetoes can serve a number of different purposes; they can at time also be used in combination or instead of other powers (e.g. judicial review requests) and vice versa which makes their

analysis slightly less straightforward.²⁰¹ In some political systems, other political actors might also fulfil a similar function to the president with regard to legislation (e.g. the Chancellor of Justice in Estonia) or the government may request the president to return a bill (Slovakia 1993-1998). This means that the use of vetoes must always be analysed within the context of the respective political system and potentially other powers.

Vetoes and the other ‘basic’ powers identified in this thesis are not the only powers at presidents’ disposal. Particularly the activism of inaugural office holders in Estonia, Hungary and Poland was at least partly characterised by the refusal of appointments. These instances were – except for Hungary where the respective constitutional stipulations were the most unclear and inconsistent – overall less frequent than presidential veto use and followed the same patterns as veto use. Nonetheless, other powers must not be discounted when analysing presidential activism as they still have – depending on the institutional and political context – the potential to be an important part of presidential activity. In conclusion, this means that there are some natural limitations to the use of vetoes as a dependent variable in studies of presidential activism and they should not necessarily be relied upon as its sole indicator. Overall, however, vetoes still present one of the most effective ways to operationalise and analyse presidential activism. They are a key power of the majority of presidents and must not be ignored. Analyses like the one performed in this study can provide both the framework and benchmark for the study of other presidential powers and presidential activities beyond constitutional powers.

²⁰¹ Nevertheless, they are still considerably easier to analyse than other presidential powers whose use (be it actual or in form of a threat) cannot be as easily established.

5.5 Summary

The synthesis of quantitative and qualitative results confirms the overall importance and explanatory power of the variables included in the statistical models. Particularly the effects of the mode of election, the relationship between president and government and the size of the government's seat share have been shown to be consistent and important predictors of presidential activism. The mode of elections is central to explaining presidential activism. Both quantitative and qualitative in-depth analysis demonstrated an increased activism of directly elected presidents and the insights from the latter strongly suggested that elections have an independent effect. The same applies to the relationship between president and government and the government's seat share. While the qualitative analysis showed that intra-governmental divisions and high override thresholds can weaken their effect, this did not challenge the overall findings. As expected, presidents vetoed more frequently when they fundamentally disagreed with the government's policies as well as when the governmental seat share decreased, thus increasing the chances of seeing their veto sustained. The discussion has also shown that other factors did not entirely conform to the assumptions of the theoretical framework. A larger presidential seat share in parliament did decrease presidential vetoes, but not in proportion to its size. The effect only appeared when the president's party participated in the government or when the seat share was large enough to block a veto override thanks to a high threshold. On the other hand, the effect of parliamentary fragmentation was very much dependent on the extent to which it affected the government's majority.

Three further factors – intra-governmental divisions, presidential popularity and presidential personality – were also discussed. The first promises to provide the most significant improvement to the existing theoretical framework and should be included in future studies. No clear patterns emerged with regard to the remaining two and more

research based on strong theory needs to be conducted to further examine their effect. In the case studies divisions between government parties were the most common additional factor explaining vetoes under otherwise unfavourable conditions. Although its effect depends on the size of the government's seat share and thus reduces the parsimony of the existing model to a certain extent, it considerably enhances the explanatory power of the theoretical framework. Presidential popularity and president-centred factors also showed some potential for explaining presidential activism. Unfortunately, it was not always possible to detect wider patterns of their influence within this study. Particularly with regard to president-centred factors, it was difficult to determine whether their effect coincided with or was trumped by factors relating to the political environment and constitutional stipulations. Nevertheless, due to the fact that the assessment of these factors was not the main focus of this study, this finding must not be seen as a negation of their (potential) explanatory capacity.

Finally, the analysis demonstrated that presidential vetoes provide a valid and reliable indicator of presidential activism. They provide a direct measure of presidential activity as the results of the qualitative analysis demonstrated that vetoes were always presidents' personal decisions and dealing with legislation is one of presidents' main activities. Some limitations on the use of vetoes as a dependent variable exist and they should not necessarily be relied upon as its sole indicator. Nevertheless, vetoes currently present one of the best ways to operationalise and analyse presidential activism. When the respective institutional context is taken into account, analyses of veto use can provide highly insightful results and an efficient way to test hypotheses on presidential activism.

Table 54: Synthesis of quantitative and qualitative findings – summary

	Mode of election	President-government relationship	Governmental seat share ^{d)}	Presidential Seat share ^{d)}	Parliamentary fragmentation
Results of NB model	Hypothesis confirmed	Hypothesis confirmed	Hypothesis confirmed	Hypothesis confirmed	Hypothesis not confirmed
Results of EHA model	Hypothesis confirmed	Hypothesis confirmed	Hypothesis confirmed	Hypothesis not confirmed	Hypothesis not confirmed
Schuster – Dzurinda II <i>12.0% (2.10)</i>	Direct	Cohabitation	52% → 45%	n/a	6.52 → 8.79
Wałęsa – Pawlak II <i>8.1% (1.05)</i>	Direct	Cohabitation	66% → 65%	n/a	3.88 → 4.03
Gašparovič I – Fico I <i>4.1% (0.75)</i>	Direct	Neutral	57% → 56%	0%	4.81 → 5.33
Kaczyński – Tusk <i>2.8% (1.06)</i>	Direct	Cohabitation	52% → 51%	36% → 34%	2.82 → 3.00
Kwaśniewski I – Buzek I <i>2.6% (0.65)</i>	Direct	Cohabitation	57% → 53%	36% → 35%	2.95 → 3.26
Sólyom – Gyurcsány II <i>1.8% (0.77)</i>	Indirect	Cohabitation	54%	n/a	2.61 → 2.63
Kováč – Mečiar II <i>1.7% (0.42)^{b)}</i>	Indirect	Cohabitation	59% → 42%	n/a	3.19 → 4.58
Meri II – Laar II <i>1.4% (0.82)</i>	Indirect	Neutral	52%	n/a	6.64 → 7.01
Mádli – Medgyessy <i>1.1% (0.32)</i>	Indirect	Cohabitation	51%	n/a	2.49 → 2.53
Rüütel – Parts <i>0.9% (0.93)</i>	Indirect	Unified	58%	13%	5.94 → 7.25
Göncz II – Horn <i>0.5% (0.64)^{c)}</i>	Indirect	Unified	72% → 70%	18% → 17%	2.89 → 3.02
Ilves – Ansip II <i>0.1% (0.59)</i>	Indirect	Unified	59%	n/a	7.42 → 7.79

Notes: NB: Negative Binomial regression model; EHA: Event History Analysis; a) Data under episode names relates to % of bills vetoed during episode and ratio [votes/predicted number of vetoes; >1 = overprediction; <1 underprediction]; episodes ordered by % bills vetoed; b) the only episode under fully democratic conditions containing use of presidential powers; c) The only episode with veto use by president Göncz; d) The arrow shows the development during the episode.

CONCLUSION

This study has examined when and why presidents choose to become active and use their formal powers. In doing so it has developed a new theoretical framework on presidential activism and used nested analysis, a sophisticated mixed-methods approach, to test hypotheses using comprehensive and original quantitative and qualitative data from nine Central and East European democracies. These countries present an ideal basis for analysis as there is great variation on all variables of interest, yet at the same time a number of factors can be held constant due to countries' similar history, culture and trajectories in political and economic development. This chapter summarises the findings and discusses some of their implications. An agenda for future research building on the results of this study is presented in the final section.

Summary of results

In this thesis I argued that presidential activism – defined as the discretionary use of formal presidential powers by the president – can be explained by a combination of constitutional stipulations and the political environment. This, so-called presidency-centred, explanation of activism is predominant in the literature. However, only few coherent approaches exist and particularly in the European context a number of assumptions could not be satisfactorily tested due to the lack of appropriate data. Therefore, the first step of my analysis developed a new and coherent theoretical framework. To test my hypotheses I then used an original data set on the actual use of presidents' legisla-

tive powers in nine Central and East European democracies. The results were strongest and most convincing with regard to vetoes – the most frequently used presidential power. Using negative binomial regression models and event history analysis I demonstrated that popular presidential elections, a small governmental seat share and a weak consensus between president and government over policy were all significantly and positively associated with a higher number of vetoes per month and a shortening of the time period between vetoes. Results on the use of other powers were less striking, partly because they were only rarely used and not all presidents were vested with them. Nevertheless, it was shown that directly elected presidents initiated more bills and the use of judicial review requests increased during cohabitation. Based on the predictions of the statistical models, I selected 12 episodes – short periods of specific president-cabinet pairings – from four carefully chosen countries (Estonia, Hungary, Poland and Slovakia) for further qualitative analysis. Thereby, I opted for a most-different systems design as it promised to produce the best results within the framework of this study.

The second step of my mixed-methods approach comprised the qualitative analysis of presidential activism, in particular the use of presidential vetoes and presidential involvement in government formation, censure and dismissal. Using the selected episodes, the aim of the analysis was to trace the assumed links between variables in order to validate the findings of the statistical analysis and to critically assess the assumptions of the theoretical framework. Furthermore, alternative explanations of presidential activism and indications of potential misspecification of the quantitative models were explored. By contrasting the activism of presidential activism in two most different country pairs – Estonia/Poland and Hungary/Slovakia – and by relying on evidence from 65 semi-structured interviews with political elites and ample source material, I was able to corroborate my statistical findings and demonstrate that there is strong evidence that

most of the hypothesised mechanisms actually exist. Furthermore, the analysis suggested additional factors – intra-governmental divisions, presidential popularity and office-holders' personality – to explain presidential activism. Finally, the analysis of presidential involvement in government formation, censure and dismissal called for a rethinking of the share of non-partisan ministers as an indicator for presidential activism as the results challenged its validity.

The third and final part of this thesis synthesized the quantitative and qualitative findings by subjecting them to a comparative assessment. Overall, five main findings emerged. Most prominently, it appears that the mode of presidential elections is the most important determinant of presidential activism. Popular elections equip presidents with an independent electoral mandate that allows them to act independently from parliament and government, whereas indirectly elected presidents are agents of parliament and (despite fixed terms) enjoy considerably less independence. Directly elected presidents do not only have more opportunities for activism, but because they rely on public support for re-election they are also *required* to use their powers more often to fulfil their electoral promises. Their indirectly elected counterparts on the other hand acknowledge their dependence on the legislature and therefore use their powers less frequently as not to interfere in the work of their principals. Second, the relationship between presidents and government and the parliamentary strength of the government were not only highly correlated with changing levels of presidential activism but the qualitative analysis also showed that these factors are *key determinants* of presidents' decisions to use their powers. Presidents used their powers more often during cohabitation than when president-government relations were unified; they also exploited governmental weaknesses caused by a small or decreasing seat share. This increased their chances of successfully blocking policies as their vetoes were less likely to be overrid-

den. Third, although the statistical analysis appeared to confirm the hypothesis that an increase in presidential support in parliament would decrease presidential activism, the qualitative analysis suggested that it only becomes relevant in conjunction with high veto override requirements or when the president's party participates in the government. On the other hand, parliamentary fragmentation did not exhibit a unidirectional effect in either quantitative or qualitative analysis. Fourth, divisions within and between government parties often weakened the government more substantially than a small seat share; presidents used this, often temporary or policy-specific weakness to veto bills. As this finding did not contradict any of my central assumptions about presidential activism, I concluded that it should be integrated into the existing theoretical framework for future studies. Unfortunately, no clear patterns emerged regarding the effect of presidential popularity and factors related to individual office-holders. From the – admittedly limited – evidence produced by this study it appears that these variables have the potential to contribute to the understanding and explanation of presidential activism, yet more research based on strong theory needs to be conducted to further examine their effect.

Contributions and implications of this study

This study and its findings contribute to existing work on presidents on a theoretical, empirical and methodological level and have several implications for future research.

This study has presented a new theoretical framework for explaining presidential activism in parliamentary and semi-presidential systems. Previous studies have not clearly defined the term 'presidential activism', so that this study provided for the first time a clear, non-normative definition of the term which also facilitates operationalisation. While this definition also imposed some limitations, these could largely be countered through my mixed-methods approach. Furthermore, in contrast to Tavits' (2008) politi-

cal opportunity framework – the only general explanatory approach of presidential activism (i.e. not specific to one power) – the new framework incorporates constitutional variables in addition to factors related to the political environment (which this study has shown to be particularly important). The approach presented in this thesis also unites insights from the study of European and U.S.-American presidents which – despite their overall similarity – have not yet been used to inform each other. The integration of these two streams of literature not only enhances the theoretical foundations of the new framework but also lays the basis for the study of presidential activism and other presidential behaviour across regime types. Irrespective of their varying powers and duties, presidents share a set of specific characteristics that allow for studying them comparatively. The presidency is the only democratic, single-member executive institution on the national level, presidents are always the head of state and they always have some discretionary power beyond ceremonial duties.

A further contribution of this thesis is a new data set on the actual use of presidents' legislative powers in nine Central and East European democracies between 1990 and 2010 – one of the first comprehensive cross-country data sets of its kind. Based on this data, a number of hypotheses could be adequately tested for the first time. The analysis corroborated the traditional assumption that popularly elected presidents are more active than their indirectly elected counterparts. Even though some uncertainty with regards to the effect of the override threshold remains, this overall finding as well as the evidence from the analysis of presidential activism in Slovakia challenge Tavits' (2008) claim that the mode of election is irrelevant for the use of presidential powers. Due to the unprecedented detail regarding the composition of parliament, legislative output and other variables related to the political environment, the data set can also be used for other studies – not only on presidential activism.

The findings based on the new data set are even more valuable given that they are complemented by original insights gained in 65 semi-structured elite interviews from four countries. Rather than relying on the same secondary source material as other researchers, the qualitative section of this study could thereby not only validate the results of the preceding statistical analysis but also critically assess the findings of previous studies. The latter became particularly apparent in the Polish case where new insights on presidential activism could be gained that challenged previous interpretations.²⁰² The qualitative analysis also explained why some independent variables did not exhibit a statistically significant effect on presidential activism – in the case of parliamentary fragmentation this concerned not only the results of my analysis but also those of Neto and Strøm (2006) and Tavits (2008). While the potential weaknesses of the share of non-partisan ministers as an indicator of presidential activism were already pointed out in the literature review, the qualitative analysis demonstrated that the suggested mechanisms of effect might only apply very rarely.

On the other hand, the qualitative analysis could establish the use of presidential vetoes as a more direct, valid and reliable measure of presidential activism. While the analysis flagged up some problems in using them as a dependent variable, these could largely be countered by the mixed-methods design of this study and insights will help to control for such problems in future studies. Dealing with legislation is one of the main everyday activities of presidents irrespective of their mode of election. Even in political systems where the president is the dominant executive actor it is still the president's task to review – however superficially – each bill passed by parliament and sign it into law. Veto power is granted to most of the presidents in these systems. Although legislative activity by parliament is a prerequisite for using this power, there are hardly any

²⁰² For instance, Kwaśniewski's veto of the administrative reform was shown to be key to understanding his use of vetoes more generally.

further constraints on how, when and why presidents can exercise it (the same also applies to a number of other, less prominent presidential powers not considered in this study). Compared to the passage of legislation, governments are formed only very rarely and election results can leave presidents with little to no discretion over the appointment of a particular party coalition and its ministers. Furthermore, co-determining the cabinet composition does not give presidents direct influence over policy. Presidential vetoes are used much more frequently and given that they are always exercised at the presidents' personal discretion they present a direct expression of the presidents' policy preferences. Their use (and even threats to use them) can be studied under a greater variety of variable constellations and therefore promises to provide stronger conclusions.

The methodological framework implemented in this study has also shown how political science research can generally benefit from mixed-methods approaches and how they can be used to their maximum potential. Explicit application of Lieberman's (2005) nested analysis approach in political science is still rare and the majority of mixed-methods studies do not link findings reached using different methodologies clearly.²⁰³ Furthermore, results are often reported separately in the conclusion, rather than integrating them first in a comparative assessment (admittedly, Lieberman 2005 only gives very limited guidance on that final step). In this respect, this study and particularly the synthesis of results provided in Chapter 5 can serve as a template for future applications of the approach.

²⁰³ A notable exception is Bäck and Dumont's (2007) analysis of coalition formation in Western European democracies.

An agenda for future research on presidential activism

The findings of this thesis provide a number of starting points for future research on presidential activism and suggest several questions to be investigated. There are a number of important ways in which research should be continued and for which the quantitative and qualitative data gathered for the study at hand present an ideal foundation.

The results of this study suggested that opportunities for presidential veto use often resulted from exceptional override majorities or policy-specific splits within or between coalition parties. These and other factors related to individual bills (e.g. whether a bill was declared ‘urgent’) could not be adequately addressed in the statistical models. To analyse the influence of such bill-specific factors, data on individual bills is needed. A similar analysis has already successfully been conducted by Gilmour (2002) for vetoes by U.S.-American presidents. Given that this study has highlighted that vetoes by the American and Central East European presidents can be explained by largely similar factors, such an analysis would not only provide further insights into presidential activism in semi-presidential and parliamentary systems but also provide a further point of comparison in the study of presidential activism across regions and regime types.

Except for the Czech Republic and Poland, parliaments in Central and Eastern Europe have several possibilities to respond to presidential vetoes. They are not merely faced with a choice between overriding a veto (or attempting to do so) and withdrawing the bill in question, but they can also decide to incorporate the presidents’ suggestions and pass an amended version of the original bill. To arrive at an even more comprehensive explanation of presidential veto use, one could assess the determinants of parliamentary response and, in effect, the different types of the ‘success’ of presidential vetoes. While some theoretical work on the different regulations exists (Tsebelis and Rizzo 2007), their influence on how presidents use their veto power has not yet been

studied. Again, more data on individual bills and presidential justifications for vetoes would be needed to perform such an analysis.²⁰⁴ Nevertheless, the results would help to gauge the extent to which presidents are able to affect substantive policy change through vetoes and would thus also have wider implications for the understanding of the policy process and the functioning of different regime types.

The rare use of judicial review requests by presidents made a quantitative assessment rather difficult. Nevertheless, the findings from the in-depth analysis have provided new insights that allow for assessing their use in a different way. Lech Wałęsa used his power to request judicial review not only as a means to ensure the constitutionality of legislation but also to delay the implementation of unfavourable bills. Presidents in Hungary on the other hand were very careful to only use this power once they were absolutely sure of a bill's unconstitutionality. Before one can explain the overall number review requests, one first needs to investigate the different motivations and then analyse the 'political' and 'constitutional' use of this power separately.²⁰⁵

Finally, further research should be undertaken on the involvement of presidents in government formation, censure and dismissal. As mentioned above, the share of non-partisan ministers did not always prove to be a valid and reliable measure of presidential activism. It also failed to capture the actual party or presidential loyalty of cabinet members as non-partisan were either re-appointed under different presidents or soon joined one of the government parties. The analyses provided in this thesis provide an ideal starting point for a case study-based nested analysis (Lieberman 2005; Rohlfing 2008) of presidential activism in this area. By the ways of inductive reasoning such a

²⁰⁴ Havlík, Hrubes and Pecina (2014) present the only systematic analysis of justifications for presidential vetoes in the European context using the example of Czech president Václav Havel. However, they do not link the patterns of argumentation found to the eventual parliamentary response.

²⁰⁵ A first, albeit crude step could be to differentiate between successful and unsuccessful requests for judicial review (out of the 133 requests recorded in my data, only 52 were successful to the extent that the bill or parts thereof were declared unconstitutional).

study could help to develop a better indicator than the share of non-partisan ministers as well as new hypotheses which then can be tested on other cases.

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List of interviews

See Appendix A3 for a detailed description of sampling, interview length and location.

Respondents in Estonia

Respondent name	Respondent background
Kaidi Aher	Advisor to the President on Internal Communication Affairs (2011-present) Head of the PR Department of the President's Office (2006-2011) Member of the Public Relations Department of the President's Office (2001-2006)
Argo Ideon	Senior Editor at Postimees (2001-present)
Urmas Klaas	Member of Parliament (Reform Party, 2004-present)
Aaro Mõttus	Deputy Head of the Chancellery of Parliament (2009-present) Legal Advisor to the President (2003-2009)
Toomas Mattson	Senior Editor at Postimees (1994-2001) Spokesperson for the National Audit Office (2001-present)
Eiki Nestor	Minister for Social Affairs (1999-2002) Minister of Regional Affairs (1994-1995) Member of Parliament (Moderates/Social Democrats; 1992-1994, 1995-1999, 2002-present) Deputy chairman of the Social Democrats
Prof Vello Pettai	Professor of Political Science at University of Tartu Advisor to the President and Presidential Representative to the President's Roundtable on National Minorities (1997-1999)
Jaanus Pikani	Head of the President's Office (1995-1998) Secretary of State, Ministry of Social Affairs (1994-1995)
Marko Pomerants	Minister of the Interior (2009-2011) Minister for Social Affairs (2003-2005) Member of Parliament (Pro Patria & Res Publica Union, 2005-2009, 2011-present)
Eero Raun	Public Relations Advisor to the President (2003-2006)
Rain Rosimannus	Member of Parliament (Reform Party, 2003-2011) Head of the Prime Minister's Office (2002-2003) Advisor to the Minister of Finance (1999-2001) Domestic Policy Advisor to the President (1994-1997)
Tõnis Saarts	Lecturer in Baltic Politics at University of Tallinn
Kaja Tael	Undersecretary (Vice-chancellor) at the Ministry of Foreign Affairs (2006-2012) Foreign Affairs Advisor to the President (1995-1998) Director the Estonian Institute (1991-1995)
Ivar Tallo	Foreign Policy Advisor to the President (1993-1994) Member of Parliament (Moderates; 1999-2002)
Prof Mihkel Veiderma	Head of the President's Office (1992-1994)

Respondents in Hungary*

Respondent name	Respondent background
Pál Becker	Head of the Presidents' Office (2000-2005) Undersecretary of State, Ministry of Finance (1993-1994) Member of Parliament (Hungarian Democratic Forum, 1990-1994)
Prof Jürgen Dieringer	Professor of Political Science at Andrassyi University Budapest
Prof Zsolt Enyedi	Professor of Political Science at Central European University
Prof Sándor Gallai	Head of the Public Policy Research Institute, Ministry of the Interior Professor of Political Science at Corvinus University
András Gyulás	Head of the Secretariat of President Árpád Göncz (2010-present) Head of the Foreign Policy Department of the Presidents' Office (2007-2010) Chief Foreign Policy Advisor to the President (1996-2005)
Dae Soon Kim	Lecturer at Hankuk University of Foreign Studies, South Korea Biographer of President Árpád Göncz
János Kóka	Minister of Economy and Transport (2004-2007) Chairman of the SZDSZ parliamentary party (2007-2010) Member of Parliament (SZDSZ, 2006-2010)
László Kovács	Minister of Foreign Affairs (1998-1998; 2002-2004) Member of Parliament (Hungarian Socialist Party, 1990-2004; 2010-present)
Prof András Körösenyi	Professor of Political Science, Head of the Political Science Division of the Hungarian Academy of Science Advisor to the President (2005-2010)
Monika Lamperth	Minister for Social Affairs and Labour (2006-2008) Minister of the Interior (2002-2006) Member of Parliament (Hungarian Socialist Party, 1990-present)
Prof András Lanczi	President of the think tank 'Szaszadveg' (2010-present) Professor of Political Science at Corvinus University Budapest Advisor to the President (2005-2010)
András Bíró Nagy	Founder and Director of Policy Solutions Lecturer at Corvinus University and Eötvös Loránd University Budapest
Pál Sonnevend	Head of the Legal Department of the President' Office (2006-2010) Member of the Legal Department of the President' Office (2000-2006)
Katalin Szili	Speaker of Parliament (2002-2009) MSZP presidential candidate (2005) Secretary of State, Ministry of Environmental Protection and Water (1994-1998) Member of Parliament (Hungarian Socialist Party, 1994-2010; independent 2010-present)

Notes: * One respondent each from the presidential administration and from the government/MP category was interviewed twice.

Respondents in Poland

Respondent name	Respondent background
Jerzy Borowczak	Director of the 'Solidarity Centre'-Foundation Member of Parliament (PO, 2010-present) Co-founder of the BBWR Long-time companion and confidant of Lech Wałęsa
Marek Borowski	Member of the Senate (independent, 2011-present) Chairman of the SdPL (2004-2008) Speaker of Parliament (2001-2004) Deputy Speaker of Parliament (1996-2001) Head of the Government's Office (1995-1996) Deputy Prime Minister and Minister of Finance (1993-1994) Member of Parliament (SdRP, 1993-1999; SLD, 1999-2004; SDPL 2004-2005, 2007-2011)
Andrzej Dorsz	Head of the Legal Department of the President's Office (1995-2005; 2010-present) Head of the Archive of the President's Office (2005-2010) Member of the Legal Department of the President's Office (1986-1995)
Andrzej Drzycimski	Spokesperson of the President (1990-1994) Confidant and co-author of biography of Lech Wałęsa
Marek Dukaczewski	Deputy secretary of State for Defence, President's Office (1997-2001)
Elżbieta Jakubiak	Member of Parliament (PiS, 2007-2011) Minister of Sport and Tourism (2007) Head of the President's Personal Cabinet (2005-2007)
Ryszard Kalisz	Minister of the Interior (2004-2005) Acting Head of the President's Office (1998-2000) Deputy Secretary of State, President's Office (1997-1998) Member of Parliament (SLD, 2001-2013; independent, 2013-present)
Michał Karnowski	Journalist (<i>Newsweek Polska</i> , <i>Dziennik</i> , <i>Polska The Times</i>) and publicist Editor/co-author of several books on the Kaczyński twins
Zbigniew Krzyżanowski	Correspondent at the President's Office, Polish Press Agency (1991-2007)
Barbara Labuda	Secretary of State for Women & Equality, President's Office (1995-2005) Member of Parliament (UD, 1989-1994; UW 1994-1995; independent 1995-1997)
Krystyna Leszczyńska	Lecturer in Political Science at Marie Curie-Skłodowska University Lublin
Andrzej Majkowski	Chairman of A. Kwaśniewski's 'Amicus Europae' Foundation (2005-present) Deputy secretary of State for international affairs, President's Office (1996-2005)
Grzegorz Napieralski	Chairman of the SLD (2008-2011) Chairman of the SLD parliamentary party (2009-2011) Member of Parliament (SLD, 2004-present)

Respondents in Poland (continued)

Respondent name	Respondent background
Mariusz Maciuk	Member of the Legal Department of the President's Office (expert for constitutional law; 1992-present)
Andrzej Olechowski	Presidential candidate (2000; 2010) Minister of Foreign Affairs (1993-1995) BBWR candidate for Prime Minister (1993)
Janina Paradowska	Journalist, senior political editor at <i>Polityka</i> (1991-present)
Marek Siwiec	Secretary of State/Head of the National Security Bureau, President's Office (1996-2004)
Robert Smoleń	Member of parliament (SLD, 2001-2004) Deputy secretary of State, President's Office (1997-2001)
Michał Strąk	Head of the Government's Chancellery (1993-1995) Head of the Minister of State's cabinet, President's Office (1989-1990)
Dariusz Szymczycha	Secretary of State/spokesperson, President's Office (2002-2005) Editor-in-chief of <i>Trybuna</i> (1991-1997)
Marek Ungier	Head of the President's Personal Cabinet (1995-2004)
Danuta Waniek	Head of the President's Office (1996-1997) Campaign Manager for Aleksander Kwaśniewski Undersecretary of State, Ministry of Defence (1994-1995) Member of Parliament (SLD, 1991-1995, 1997-2001)

Respondents in Slovakia

Respondent name	Respondent background
Miroslav Beblavý	Member of Parliament (SDKÚ, 2010-2013; independent 2013-present) Secretary of State, Ministry for Social Affairs (2002-2006)
Anton Bódis	Spokesperson for the President's Office (1993-1994)
Prof Milan Čič	Head of the President's Office (2004-2012) Chairman of the Constitutional Court (1993-2000) Author of the 1992 Slovak Constitution Deputy Prime Minister of Czechoslovakia (1992) Prime Minister of Slovakia (1989-1990)
Pavol Demeš	Head of the foreign policy department, President's Office (1993-1998)
Oľga Gyárfášová	Programme Director and founding member at the Institute for Public Affairs (IVO) Adjunct lecturer at Comenius University
Erik Lástič	Lecturer in Political Science at Comenius University, Bratislava
Darina Malová	Professor of Political Science at Comenius University, Bratislava
Prof László Miklós	Minister for the Environment (1998-2006)
Ivan Mikloš	Deputy Prime Minister (1998-2006; 2010-2012) Minister of Finance (2002-2006; 2010-2012) Minister of Economy (1998-2002) Member of parliament (SDKÚ, 2006-2010; 2012-present)
Marek Rybář	Lecturer in Political Science at Comenius University, Bratislava
Peter Učeň	Political Analyst, International Republican Institute, Bratislava
Milan Zemko	Head of the domestic politics department, President's Office (1993-1998)

Appendix A1 – Variable description

A1.1: Coding of independent variables

Variable	Description of coding
Direct elections	Dummy variable 0=indirectly elected president 1=directly/popularly elected president
President's first term in office	Dummy variable 1=1 st presidential term 0=2 nd presidential term
Time until presidential elections	The number of months until the date of the next foreseeable presidential election. When earlier elections were scheduled, the number of months is corrected from the month onwards in which the new date was announced.
Time until parliamentary elections	The number of months until the date of the next foreseeable parliamentary elections (lower house only). When earlier elections were scheduled, the number of months is corrected from the month onwards in which the new date was announced.
Fragmentation of parliament	The effective number of parliamentary parties as calculated by Laakso and Taagepera (1978). Every independent is treated as a one-person parliamentary party in the calculation of the value. Furthermore, not the number of available seats but the number of currently occupied seats in parliament is used as the reference parameter to reflect changes in the legislature's membership more accurately.
Governmental seat share	Seat share of the government in the lower house of the legislature based on the number of currently occupied seats.
Presidential seat share	Seat share of the president's own party (also: party president was member of at time of election if there were no other reasons but the presidency to leave the party) in the lower house of the legislature based on the number of currently occupied seats. Independent candidates without clear party affiliation are coded as having no seats in the assembly.
Cohabitation	Dummy variable 1=cohabitation (no overlap between partisan affiliation of president and government; in case of independent candidates this category is coded when policy differences with the government were already clear at the time of/before the election of president or inauguration of government) 0=neutral or unified relations
Neutral president-government relations	Dummy variable 1=neutral relations (no or small overlap between partisan affiliation of president and government but no major policy differences known at time of/before election of president or inauguration of government; this category is the default choice for independent candidates) 0= cohabitation or neutral relations
Unified president-government relations(not used in analysis)	Dummy variable 1=unified relations (overlap of partisan affiliation of president and government; independent candidates who have shown significant policy overlap known at time of/before election of president or inauguration of government) 0 = cohabitation or neutral relations
No of bills passed	Number bills passed by parliament in a given month and presented to the president for signature.

A1.2: Variable description – Event count model of presidential vetoes

Variable	Mean	SD
Vetoes per month (dependent variable)	0.41	1.06
Direct election	0.45	0.50
President's first term in office	0.72	0.45
Time until parliamentary elections (log)	2.95	0.89
Time until of presidential elections (log)	3.15	0.88
Fragmentation of parliament (log)	1.59	0.40
Governmental seat share	0.51	0.16
Presidential seat share	0.12	0.16
Neutral	0.35	0.47
Cohabitation	0.26	0.44
No of bills passed (log)	2.19	1.23
<i>N</i> (observations) = 1738; <i>n</i> (non-zero counts) = 400		

A1.3: Variable description – Event count model of judicial review requests

Variable	Mean	SD
Review requests per quarter (dependent variable)	0.22	0.62
Direct election	0.56	0.50
President's first term in office	0.68	0.47
Time until parliamentary elections (log)	2.99	0.77
Time until of presidential elections (log)	3.15	0.79
Fragmentation of parliament (log)	1.52	0.36
Governmental seat share	0.51	0.13
Presidential seat share	0.17	0.18
Neutral	0.28	0.45
Cohabitation	0.23	0.42
No of bills passed (log)	3.16	0.86
<i>N</i> (observations) = 510; <i>n</i> (non-zero counts) = 78		

A1.4: Variable description – Event count model of legislative initiatives

Variable	Mean	SD
Initiatives per quarter (dependent variable)	0.95	1.81
Direct election	0.50	0.50
President's first term in office	0.71	0.45
Time until parliamentary elections (log)	2.97	0.79
Time until of presidential elections (log)	3.13	0.80
Fragmentation of parliament (log)	1.48	0.37
Governmental seat share	0.53	0.13
Presidential seat share	0.14	0.17
Neutral	0.30	0.46
Cohabitation	0.25	0.43
<i>N</i> (observations) = 277; <i>n</i> (non-zero counts) = 178		

A1.5: Variable description – EHA of presidential vetoes

Variable	Mean	SD
Time in days (dependent variable)	359.113	296.461
Direct election	0.483	0.500
President's first term in office	0.722	0.450
Time until parliamentary elections (log)	2.930	0.901
Time until of presidential elections (log)	3.151	0.889
Fragmentation of parliament (log)	1.599	0.404
Governmental seat share	0.494	0.144
Presidential seat share	0.131	0.153
Neutral	0.324	0.468
Cohabitation	0.261	0.439
No of bills passed (log)	1.779	1.331
Previous vetoes during episode (log)	1.010	1.010
<i>N</i> (observations) = 2355; <i>n</i> (events) = 536		

A1.6: Variable description – EHA of judicial review requests

Variable	Mean	SD
Time in days (dependent variable)	368.716	312.255
Direct election	0.537	0.499
President's first term in office	0.685	0.465
Time until parliamentary elections (log)	2.974	0.888
Time until of presidential elections (log)	3.126	0.904
Fragmentation of parliament (log)	1.516	0.370
Governmental seat share	0.501	0.138
Presidential seat share	0.159	0.172
Neutral	0.284	0.451
Cohabitation	0.255	0.436
No of bills passed (log)	2.000	1.359
Previous requests during episode (log)	0.251	0.581
<i>N</i> (observations) = 1862; <i>n</i> (events) = 117		

A1.7: Variable description – EHA of legislative initiatives

Variable	Mean	SD
Time in days (dependent variable)	294.999	248.598
Direct election	0.570	0.495
President's first term in office	0.739	0.439
Time until parliamentary elections (log)	2.934	0.890
Time until of presidential elections (log)	3.118	0.920
Fragmentation of parliament (log)	1.482	0.365
Governmental seat share	0.515	0.138
Presidential seat share	0.144	0.176
Neutral	0.314	0.464
Cohabitation	0.244	0.430
Previous initiatives during episode (log)	0.677	0.911
<i>N</i> (observations) = 1170; <i>n</i> (events) = 204		

Appendix A2 – Additional models and statistical tests

A2.1: Negative binomial regression model of judicial review requests (no zero-inflation)

Variable	Coefficient estimate	Standard error
<i>Constitutional factors</i>		
Direct election	0.013	0.299
President's first term in office	0.223	0.300
Time until parliamentary elections (log)	0.152	0.183
Time until of presidential elections (log)	-0.289	0.150 *
<i>Political environment</i>		
Fragmentation of parliament (log)	-0.904	0.395 **
Governmental seat share	-2.330	1.080 **
Presidential seat share	-0.568	1.007
President-government relations	0.382	
<i>Neutral</i>	0.382	0.392
<i>Cohabitation</i>	1.366	0.319 ***
No of bills passed (log)	0.301	0.170
Constant	-0.381	1.341
α (shape parameter)	1.644	0.563

$N = 510$; n (non-zero counts) = 78

Log pseudolikelihood = -260.26549

Likelihood-ratio test of $\alpha = 0$: $\text{chibar2}(01) = 23.13$ Prob >= $\text{chibar2} = 0.000$ ***

Notes: *** $p < 0.005$; ** $p < 0.05$; * $p < 0.1$; standard errors clustered on president-cabinet episodes.

A2.2: EHA of presidential vetoes – Test of the proportional hazards assumption

Variable	rho	chisq	Prob>chi2
Direct election	0.00496	0.012	0.9146
President's first term in office	-0.07332	2.836	0.0922
Time until parliamentary elections (log)	0.07949	4.656	0.0309
Time until of presidential elections (log)	0.02162	0.177	0.6742
Fragmentation of parliament (log)	0.01973	0.190	0.6630
Governmental seat share	-0.01111	0.097	0.7554
Presidential seat share	0.02085	0.198	0.6566
Neutral	-0.05083	1.355	0.2444
Cohabitation	-0.00274	0.005	0.9457
No of bills passed (log)	-0.06852	3.771	0.1522
Previous vetoes during episode (log)	0.03386	0.651	0.4199
GLOBAL	N/A	10.68498	0.4700

A2.3: EHA of presidential vetoes – Model estimation with and without interaction with time

Variable	<i>Model 1</i> (without interaction)	<i>Model 2</i> (with interaction)
Direct election	1.045 (0.187) ***	1.046 (0.187) ***
President's first term in office	-0.002 (0.116)	-0.007 (0.115)
Time until parliamentary elections (log)	-0.035 (0.067)	
Time until parliamentary elections (log)*log(t)		-0.018 (0.012)
Time until of presidential elections (log)	-0.110 (0.046) **	-0.118 (0.046) ***
Fragmentation of parliament (log)	-0.275 (0.161)	-0.286 (0.164)
Governmental seat share	-1.383 (0.475) ***	-1.260 (0.466) **
Presidential seat share	-0.519 (0.418)	-0.572 (0.436)
Neutral	-0.056 (0.139)	-0.057 (0.137)
Cohabitation	0.611 (0.176) ***	0.618 (0.176) ***
No of bills passed (log)	-0.341 (0.047) ***	-0.343 (0.047) ***
Number of previous vetoes in episode (log)	0.431 (0.069) ***	0.432 (0.069) ***
Number of observations	2355	2355
Number of events	536	536
Likelihood ratio test	215.9 ***	219.6 ***

Notes: *** p<0.005; ** p<0.05; * p<0.1; robust standard errors in parentheses (clustered on 128 president-cabinet episodes)

A2.4: EHA of judicial review requests – Test of the proportional hazards assumption

Variable	rho	chisq	Prob>chi2
Direct election	0.1276	0.688	0.407
President's first term in office	-0.0459	0.283	0.595
Time until parliamentary elections (log)	-0.0405	0.141	0.707
Time until of presidential elections (log)	0.1063	0.668	0.414
Fragmentation of parliament (log)	0.0949	0.510	0.475
Governmental seat share	0.0829	1.595	0.207
Presidential seat share	0.0429	0.293	0.588
Neutral	-0.0229	0.083	0.774
Cohabitation	0.0114	0.010	0.921
No of bills passed (log)	-0.0326	0.299	0.585
Previous review requests during episode (log)	-0.062	0.648	0.421
GLOBAL	N/A	5.351	0.913

A2.5: EHA of legislative initiatives – Test of the proportional hazards assumption

Variable	rho	chisq	Prob>chi2
Direct election	-0.00828	0.054	0.871
President's first term in office	0.05791	1.396	0.237
Time until parliamentary elections (log)	0.12145	10.278	0.001
Time until of presidential elections (log)	0.06379	1.229	0.268
Fragmentation of parliament (log)	-0.04962	1.217	0.270
Governmental seat share	-0.20399	21.049	0.000
Presidential seat share	-0.15837	20.860	0.000
Neutral	-0.15468	18.919	0.000
Cohabitation	-0.18787	26.506	0.000
Previous review requests during episode (log)	0.19389	23.628	0.000
GLOBAL	N?A	43.374	0.000

A2.6: EHA of legislative initiatives – Model estimation with and without interaction with time

Variable	<i>Model 1</i> (without interaction)	<i>Model 2</i> (with interaction)
Direct election	2.036 (0.420)***	2.205 (0.469) ***
President's first term in office	0.451 (0.228)**	0.374 (0.261)
Time until parliamentary elections (log)	-0.239 (0.120)**	
Time until parliamentary elections (log)*log(t)		-0.044 (0.017) ***
Time until of presidential elections (log)	-0.097 (0.079)	-0.147 (0.076) *
Fragmentation of parliament (log)	-0.166 (0.389)	-0.814 (0.380) **
Governmental seat share	0.245 (0.719)	
Governmental seat share*log(t)		0.250 (0.103) **
Presidential seat share	-0.357 (1.078)	
Presidential seat share*log(t)		-0.373 (0.160) **
Neutral	-0.211 (0.392)	
Neutral*log(t)		-0.132 (0.057) **
Cohabitation	-0.394 (0.279)	
Cohabitation*log(t)		-0.146 (0.038) ***
Number of previous initiatives in episode (log)	0.348 (0.114)***	
Number of previous initiatives in episode (log) *log(t)		0.069 (0.017) ***
Number of observations	1170	1170
Number of events	204	204
Likelihood ratio test	249.5***	245.9***

Notes: *** p<0.005; ** p<0.05; * p<0.1; robust standard errors in parentheses (clustered on 72 president-cabinet episodes)

Appendix A3 – Detailed description of interviews²⁰⁶

This appendix provides more detailed information about the semi-structured elite-interviews conducted as part of this thesis. The project was registered under ID Z6364106/2012/02/61 with UCL Data Protection. It was exempt from ethic approval as respondents were a) elected or appointed public officials, b) candidates for public office or c) experts acting within their professional capacity, and because data from interviews was recorded, stored and used in such a manner that participants cannot be identified. Each respondent consented to the inclusion of their name in the list of respondents under the condition of non-attribution state above.

Location and time frame of research

Interviews were conducted in varying locations in Estonia, Hungary, Poland and Slovakia between March and September 2012. Respondents were free to suggest a convenient location which was usually their office or workplace, in fewer cases cafés or restaurants. When the location was to be suggested by the author a neutral and mutually convenient location (café/restaurant) was chosen. Except for one telephone interview, all interviews were conducted in person.

Time frame and location of interviews

Country	Time frame	Locations
Estonia	21/05/2012 – 19/06/2012	Tallinn, Tartu
Hungary	02/04/2012 – 18/05/2012	Budapest, Budaörs
Poland	05/03/2012 – 30/03/2012	Warsaw, Gdańsk, Lublin
Slovakia	16/08/2012 – 15/09/2012	Bratislava, Banská Štiavnica

²⁰⁶ A more detailed discussion of the preparation of interviews and their implementation within Lieberman's (2005) nested analysis framework can be found in Köker (2014).

Sampling frame and respondent sample

In the study at hand, the main variables of interest concern the decision-making within the presidential office as well as the relations between presidency, government and legislature. It follows that the target population had to comprise high-profile respondents from the presidential administration, the government, and parliament who were directly involved in the processes studied or otherwise possessed relevant specialist knowledge. The sampling procedure then combined purposive and snowball sampling (Tansey 2007; Beamer 2002).²⁰⁷ The initial sampling procedure identified relevant elites from the abovementioned groups that were active during the selected episodes. At the interview stage – depending on the quality of rapport – respondents were then also asked to suggest other potential interviewees. To fulfil the demand of multiple and varied sources to avoid bias (Berry 2002, 680), experts (national-level journalists, academics with particular expertise, and analysts) were also included into the sampling frame. The eventual sample of respondents that were contacted included all actors that could be identified as relevant or sufficiently knowledgeable based on the available information.

Initial contact and language of interviews

Contact with respondents was established using publicly available contact information via email and telephone. In a seven cases, third parties helped in the arrangement of interviews or supplied contact information. Interviews in Poland were conducted in Polish; interviews in remaining countries were conducted in English and German. Interview requests were sent in the same languages (except for Poland often in English and German to increase the chance of response). Two interviews in Hungary as well as one

²⁰⁷ As the aim of the interviews was to gain in-depth knowledge into specific processes this combined sampling strategy was the most adequate (Tansey 2007). Due to the small size of the overall population and the fact that response rates in elite interviews are very difficult to predict, random sampling would not have been feasible.

interview in Slovakia were conducted with the help of an interpreter or language mediator chosen by the respondent.

Response rates per country and respondent groups

The tables below summarise the response rates to interview requests by countries and respondent groups, respectively. Due to the small size of the sample and considerations with regard to confidentiality, I have refrained from breaking down response rates by both categories. The total sample size comprises all potential respondents identified in the initial sampling frame and those respondents that were identified and contacted through snowball sampling. Percentages may not add up to 100.0 per cent due to rounding.

Response rates in different countries

	Interviewed respondents n (%)	Refusal n (%)	Unavailable n (%)	No definite response n (%)	Total sample size n (%)
Estonia	15 (42.8)	1 (2.9)	4 (11.4)	14 (40.0)	35 (97.7)*
Hungary	14 (36.8)	1 (2.6)	4 (10.5)	19 (50.0)	38 (99.9)
Poland	22 (66.7)	0 (0.0)	5 (15.2)	6 (18.2)	33 (100.1)
Slovakia	12 (40.0)	0 (0.0)	0 (0.0)	18 (60.0)	30 (100.0)
Total	63 (46.7)	2 (1.4)	13 (9.6)	58 (42.9)	135 (100.6)

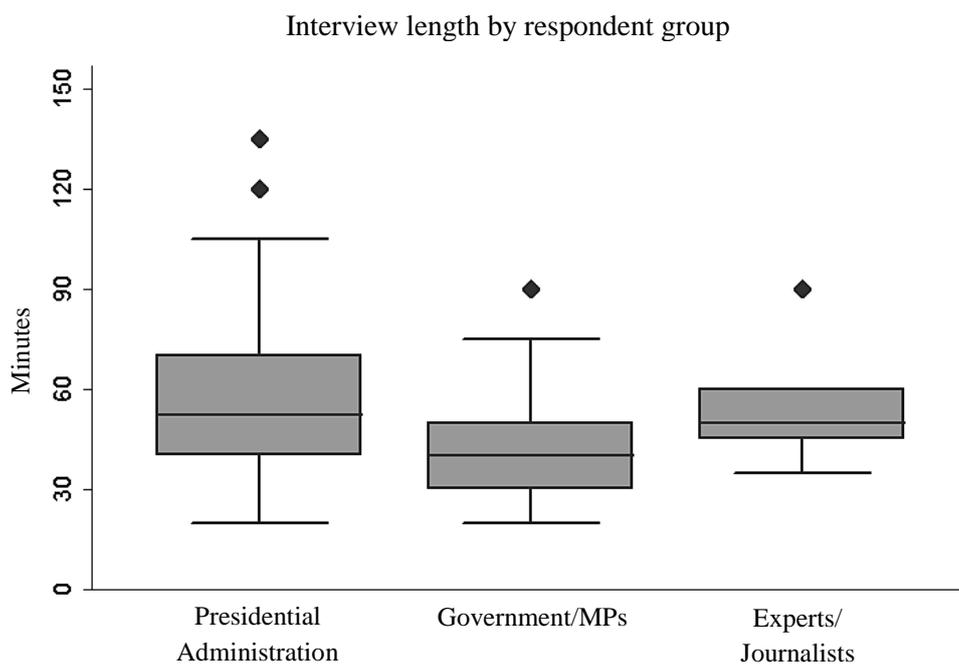
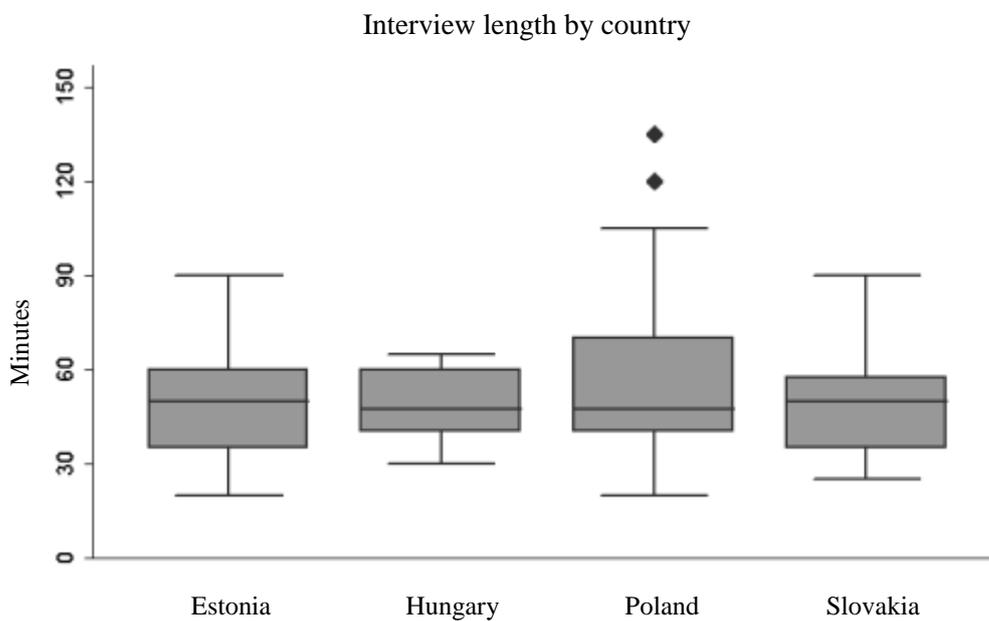
Response rates in different respondent groups

	Interviewed respondents n (%)	Refusal n (%)	Unavailable n (%)	No definite response n (%)	Total sample size n (%)
Presidential Administration	29 (53.7)	1 (1.9)	7 (13.0)	17 (31.4)	54 (100.0)
Government/MPs	17 (30.9)	1 (1.9)	5 (9.1)	31 (56.4)	55 (98.3)*
Experts/Journalists	18 (69.2)	0 (0.0)	1 (3.8)	7 (26.9)	26 (99.9)
Total	63 (46.7)	2 (1.4)	13 (9.6)	58 (42.9)	135 (100.6)

* In Estonia, one interview with a respondent from the 'Government/MP' category had to be cancelled by the author due to unforeseen circumstances and no alternative could be arranged; this respondent is part of the sample size but not included in the other values and percentages.

Length of interviews

Respondents were asked for twenty to thirty minutes of their time; the majority of the resulting interviews lasted between thirty-five minutes and one and a half hours; the average was 50 minutes. Four interviews lasted less than 30 minutes, in these cases the topic of the interview, possible questions and matters of confidentiality had been discussed beforehand so that the interview was entirely about the interview questions. The box plots below summarise data for the different countries and respondent groups.



Appendix A4 – Presidential activism in the case study countries

A4.1: President-government relations and the use of presidential powers in Estonia, 1992-2010

President	Prime Minister	Government parties ^{a)}	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month ^{b)}	Total review requests / requests per month ^{c)}
Lennart Meri I	Mart Laar I	IL, MD, ERSP	10/1992 – 10/1994	25	cohabitation	14 / 0.56	4 / 0.16
	Andres Tarand	IL, MD, ERSP, PP	10/1994 – 03/1995	5	cohabitation	4 / 0.80	1 / 0.2
	Tiit Vähi I	KMÜ, K, PÜ, ML	04/1995 – 10/1995	7	neutral	0 / 0	0 / 0
Lennart Meri II	Tiit Vähi II	KMÜ, RE, PÜ, EML	11/1995 – 09/1996	11	neutral	6 / 0.55	1 / 0.09
	Tiit Vähi II	KMÜ, RE, PÜ, EML	10/1995 – 11/1996	2	neutral	1 / 0.5	0 / 0
	Tiit Vähi III	KMÜ, PÜ, ML (minority)	11/1996 – 03/1997	4	neutral	1 / 0.25	0 / 0
Arnold Rüütel	Mart Siiman	KMÜ, AP (minority)	03/1997 – 03/1999	23	cohabitation	9 / 0.39	2 / 0.09
	Mart Laar II	IL, RE, MD	03/1999 – 09/2001	31	neutral	6 / 0.19	0 / 0
	Total					40 / 0.39	8 / 0.08
Arnold Rüütel	Mart Laar II	IL, RE, MD	10/2001 – 01/2002	4	cohabitation	2 / 0.50	0 / 0
	Siim Kallas	RE, K	01/2002 – 04/2003	14	cohabitation	2 / 0.14	0 / 0
	Juhan Parts	RP, RE, <u>RL</u>	04/2003 – 04/2005	24	unified	3 / 0.13	1 / 0.04
Arnold Rüütel	Andrus Ansip I	RE, <u>RL</u> , K	04/2005 – 10/2006	18	unified	5 / 0.28	2 / 0.11
	Total					12 / 0.2	3 / 0.05

(Table continued on next page)

A4.1: *President-government relations and the use of presidential powers in Estonia, 1992-2010 (continued)*

President	Prime Minister	Government parties	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month ^{b)}	Total review requests/ requests per month ^{c)}
Toomas Hendrik Ilves	Andrus Ansip I	RE, RL, K	10/2006 – 03/2007	6	neutral	1 / 0.17	0 / 0
	Andrus Ansip II	RE, IRL, <u>SD</u>	03/2007 – 05/2009	26	unified	2 / 0.09	1 / 0.04
	Andrus Ansip III	RE, IRL (minority)	06/2009 – 12/2010	19	unified	4 / 0.21	0 / 0
	Total					7 / 0.14	1 / 0.02
	All presidents					59 / 0.27	11 / 0.05

Notes: AP – Progress Party (Arengupartei); EML – Estonian Rural Union (Maaliit); ERSP – Estonian National Independence Party (Eesti Rahvusliku Sõltumatus Partei); IL – Pro Patria (Isamaliit); IRL, Isaama Ja Res Publica Liit (merger of RP and IL); K – Center Party (Keskerakond); KMÜ – Coalition Party and Rural Union (Koonderakond ja Maarahva Ühendus); MD – Moderate Party (Mõõdukad; later SD); PP – Rightwingers (Parempoised); PÜ – Pensioners' Associations (Pensionäride Ühing); RE – Reform Party (Reformierakond); RL – People's Party (Rahvaliit); RP – Res Publica; SD – Social Democratic Party (Sotsiaaldemokraatlik Partei; previously MD)

a) The party of the Prime Minister is listed first, the underlined party is the party of the president.

b) One bill was still passed under Tarrand but only vetoed (and subsequently passed again without amendments) shortly after the parliamentary elections of March 1995; this veto is coded under Tarrand. Another bill was still passed under Siiman but vetoed only after Laar II was already inaugurated; this is veto is coded under Siiman.

c) N.B that the Estonian president can only request judicial review in cases where parliament has overridden a presidential veto of the bill.

Sources: Tavits (2008, 2009, 2010); Lagerspetz and Maier (2010); Sikk (2014); Website of the Riigikogu at <http://www.riigikogu.ee>; Website of the Estonian President at <http://www.president.ee>; personal communication with the Office of the Estonian President; Website of the Estonian Supreme Court of Estonia at <http://www.nc.ee>.

A4.2: President-government relations and the use of presidential powers in Hungary, 1990-2010

President	Prime Minister	Government parties	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month ^{b)}	Total review requests/ requests per month ^{c)}
Árpád Göncz I	József Antall	MDF, KDNP, FKgP	08/1990 – 12/1993	41	cohabitation	0 / 0	7 / 0.17
	Péter Boross	MDF, KDNP, FKgP	12/1993 – 07/1994	7	cohabitation	0 / 0	0 / 0
	Gyula Horn	MSZP, <u>SZDSZ</u>	07/1994 – 06/1995	11	unified	0 / 0	0 / 0
Árpád Göncz II	Gyula Horn	MSZP, <u>SZDSZ</u>	06/1995 – 07/1998	36	unified	2 / 0.06	0 / 0
	Victor Orbán I	Fidesz, FKgP, MDF	07/1998 – 08/2000	25	cohabitation	0 / 0	1 / 0.04
	Total					2 / 0.02	8 / 0.07
Ferenc Mádl	Victor Orbán I	Fidesz, FKgP, MDF	08/2000 – 05/2002	22	unified	1 / 0.05	1 / 0.05
	Péter Medgyessy	MSZP, SZDSZ	05/2002 – 09/2004	28	cohabitation	3 / 0.11	7 / 0.25
	Ferenc Gyurcsány I	MSZP, SZDSZ	09/2004 – 08/2005	10	cohabitation	2 / 0.20	4 / 0.40
	Total					6 / 0.1	12 / 0.2

(Table continued on next page)

A4.2: *President-government relations and the use of presidential powers in Hungary, 1990-2010 (continued)*

President	Prime Minister	Government parties ^{a)}	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month ^{b)}	Total review requests/ requests per month
László Sólyom	Ferenc Gyurcsány I	MSZP, SZDSZ	08/2005 – 06/2006	10	cohabitation	2 / 0.19	0 / 0
	Ferenc Gyurcsány II	MSZP, SZDSZ	06/2006 – 04/2008	23	cohabitation	5 / 0.22	7 / 0.30
	Ferenc Gyurcsány III	MSZP (minority)	05/2008 – 04/2009	11	cohabitation	8 / 0.72	5 / 0.45
	Gordon Bajnai	MSZP (minority)	04/2009 – 05/2010	13	cohabitation	14 / 1.08	4 / 0.31
	Viktor Orbán II	Fidesz, KDNP	05/2010 – 08/2010	2	cohabitation	3 / 1.50	1 / 0.5
Total						32 / 0.53	17 / 0.28
Pál Schmitt	Viktor Orbán II	Fidesz, KDNP	08/2010 – 12/2010	5	unified	0 / 0	0 / 0
All presidents						40 / 0.16	39 / 0.16

Fidesz – Hungarian Civic Union (Fiatal Demokraták Szövetsége/Magyar Polgári Párt); FKgP – Independent Smallholders' Party (Független Kisgazdapárt/Földmunkás-és Polgári Párt); KDNP – Christian Democratic People's Party (Kereszténydemokrata Neppárt); MDF – Hungarian Democratic Forum (Magyar Demokrata Forum); MSZP – Hungarian Socialist Party (Magyar Szocialista Párt); SZDSZ – Alliance of Free Democrats (Szabad Demokraták Szövetsége).

a) The party of the Prime Minister is listed first, the underlined party is the party of the president.

Sources: Ilonszki/Kurtán (2006; 2007; 2008; 2009); Tavits (2008); Körösenyi et al. (2009); Körösenyi et al. (2010); Várnagy (2010; 2011); Website of the Hungarian Parliament at <http://www.mkogyt.hu>; Website of the Hungarian Constitutional Court at <http://www.mkab.hu>.

A4.3: President-government relations and the use of presidential powers in Slovakia, 1993–2010

President	Prime Minister	Government parties ^{a)}	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month ^{b)}	Total review requests / requests per month
Michal Kováč	Vladimír Mečiar I	HZDS, SNS	03/1993 – 04/1994	14	cohabitation	2 / 0.14	0 / 0
	Jozef Moravčík	DÚ, SDL, KDH, NDS	04/1994 – 12/1994	7	unified	0 / 0	0 / 0
Total	Vladimír Mečiar II	HZDS, SNS, ZRS	12/1994 – 03/1998	39	cohabitation	23 / 0.59	7 / 0.24
						25 / 0.42	7 / 0.12
Mečiar/Gašparovič (acting)	Vladimír Mečiar II	HZDS, SNS, ZRS	03/1998 – 10/1998	8	n/a	1 / 0.13	0 / 0
Dzurinda/Migas (acting)	Mikulaš Dzurinda I	SDK, SDL, SMK, SOP	11/1998 – 06/1999	7	n/a	1 / 0.14	0 / 0
Rudolf Schuster I	Mikulaš Dzurinda I	SDK, SDL, SMK, SOP	06/1999 – 10/2002	40 ^{c)}	neutral	70 / 1.75	0 / 0
	Mikulaš Dzurinda II	SDKÚ, SMK, KDH, ÁNO	10/2002 – 06/2004	20	cohabitation	30 / 1.5	1 / 0.05
Total						100 / 1.69	1 / 0.02
Ivan Gašparovič I	Mikulaš Dzurinda II	SDKÚ, SMK, KDH, ÁNO	06/2004 – 02/2006	20	cohabitation	28 / 1.4	1 / 0.05
Ivan Gašparovič II	Mikulaš Dzurinda III	SDKÚ, SMK, ÁNO	02/2006 – 07/2006	5	cohabitation	3 / 0.6	0 / 0
	Robert Fico I	Smer-SD, ĽS-HZDS, SNS	07/2006 – 06/2009	35	neutral	18 / 0.51	1 / 0.03
Ivan Gašparovič II	Robert Fico I	Smer-SD, ĽS-HZDS, SNS	06/2009 – 07/2010	13	unified	10 / 1.3	0 / 0
	Iveta Radičová	SDKÚ, SaS, KDH, MOST-HÍD	07/2010 – 12/2010	6	cohabitation	9 / 0.83	0 / 0
Total						68 / 1.50	2 / 0.03
All presidents						195 / 0.95	11 / 0.06

Notes: ANO – Alliance of the New Citizen (Aliancia nového občiana); DÚ – Democratic Union (Demokratická únia); HZDS – Movement for a Democratic Slovakia (Hnutie za demokratické Slovensko; later ES-HZDS); KDH – Christian Democratic Movement (Kresťansko-Demokratické Hnutie); ES-HZDS – People’s Party - Movement for a Democratic Slovakia (Ľudová strana – Hnutie za demokratické Slovensko; previously HZDS); MOST-HÍD (Bridge – Party of Cooperation); NDS – National Democratic Party (Narodno-demokratická Strana); SaS – Freedom and Solidarity (Sloboda a Solidarita); SDK – Slovak Democratic Coalition (Slovenska demokratická koalícia); SDKÚ – Slovak Democratic and Christian Union (Slovenská demokratická a kresťanská únia); SDL – Party of the Democratic Left (Strana demokratickej ľavice); SMK/MKP – Party of the Hungarian Coalition (Strana maďarskej koalície/Magyar Koalíció Pártija); SNS – Slovak National Party (Slovenská národná strana); SOP – Party of Civic Understanding (Strana občianskeho porozumenia); ZRS – Association of Workers of Slovakia (Združenie za robotníkov Slovenska).

a) The Prime Minister’s party is listed first. Presidents Michal Kováč and Rudolf Schuster resigned from party membership shortly after or before inauguration, respectively. Ivan Gašparovič remained member and honorary chairman of the extra-parliamentary HZD (Movement for Democracy - Hnutie za demokraticiu).

b) Article 87 III, IV of the Slovak Constitution [1992] allowed the government to request the president to return a bill with comments (a stipulation that was abolished during the 1999-2001 constitutional revisions). In practice, the president only rarely returned the bill with comments. When he attached comments in addition to the government, these were treated as ‘vetoes by agreement of president and government’. The main table only lists vetoes issued by the president on his own initiative or a joint initiative after consultation with the government. The table below shows vetoes requested by the government and vetoes issued by mutual agreement of government and president.

Episode	Time period	Vetoes requested by government	Vetoes by agreement of government and president
Kováč – Mečiar I	03/1993 – 04/1994	3	1
Kováč – Moravčík	04/1994 – 12/1994	1	1
Kováč – Mečiar II	12/1994 – 03/1998	3	2
Total		7	4

c) Due to president Schuster’s illness in 2000 requiring hospitalisation in Austria, Prime Minister Mikulaš Dzurinda and speaker Jozef Migaš acted as head of state 3-31 July 2000 (Pisárová 2000; SME 2004). During this time, the government issued three vetoes which are not included under Schuster’s vetoes in the table.

Sources: Orosz and Simunčová (1998); Tavits (2008); Kipke (2010); Kováč (2012); Website of the Slovak National Council at <http://www.nrsr.sk>; Website of the Slovak Government at <http://www.vlada.gov.sk>; Website of the Slovak Presidential Office at <http://www.prezident.sk>; Website of the Slovak Constitutional Court at <http://www.concourt.sk>.

A4.4: President-government relations and the use of presidential powers in Poland, 1991-2010

President	Prime Minister	Government Parties ^{a)}	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month	Total review requests / requests per month	Total initiatives / initiatives per month
Lech Wałęsa	Jan Bielecki	KLD, PC, ZChN ^{b)}	01/1991 – 12/1991	12	neutral	3 / 0.25	0 / 0	7 / 0.58
	Jan Olszewski	PC, ZChN, PL, n/a ^{c)}	12/1991 – 05/1992 Jun-92	5 1	cohabitation neutral	0 / 0 0 / 0	0 / 0 0 / 0	4 / 0.8 0 / 0
	Waldemar Pawlak I	UD, ZChN, KLD, PL, SChL, PPG, PChD (minority)	07/1992 – 10/1993	16	neutral	4 / 0.25	0 / 0	4 / 0.25
	Hanna Suchocka							
	Waldemar Pawlak II	PSL, SLD	10/1993 – 03/1995	16	cohabitation	9 / 0.56	7 / 0.44	4 / 0.25
	Józef Oleksy	SLD, PSL	03/1995 – 12/1995	10	cohabitation	8 / 0.8	1 / 0.01	10 / 1.00
	Total					24 / 0.4	8 / 0.13	29 / 0.48
Aleksander Kwaśniewski I	Józef Oleksy	SLD, PSL	12/1995 – 02/1996	1	unified	0 / 0	0 / 0	0 / 0
	Włodzimierz Cimoszewicz	SLD, PSL	02/1996 – 10/1997	21	unified	2 / 0.10	3 / 0.14	13 / 0.62
	Jerzy Buzek I	AWS, UW	10/1997 – 06/2000	31	cohabitation	8 / 0.26	7 / 0.23	7 / 0.23
	Jerzy Buzek II	AWS (minority)	06/2000 – 12/2000	7	cohabitation	1 / 0.14	2 / 0.29	0 / 0

(Table continued on next page)

4.4: President-government relations and the use of presidential powers in Poland, 1991-2010 (continued)

President	Prime Minister	Government parties	Time period	Duration (months)	President-government relation	Total vetoes / vetoes per month	Total review requests / requests per month	Total initiatives / initiatives per month
Aleksander Kwaśniewski II	Jerzy Buzek II	AWS (minority)	12/2000 – 10/2001	10	cohabitation	19 / 1.90	3 / 0.30	12 / 1.20
	Leszek Miller I	SLD, UP, PSL	10/2001 – 02/2003	16	unified	1 / 0.06	3 / 0.19	4 / 0.25
	Leszek Miller II	SLD, UP (minority)	03/2003 – 05/2004	14	unified	1 / 0.07	2 / 0.14	1 / 0.07
	Marek Belka I	d)	05/2004 – 06/2004	1	unified	0 / 0	0 / 0	0 / 0
	Marek Belka II	SLD, UP (minority)	06/2004 – 10/2005	17	unified	3 / 0.18	4 / 0.24	3 / 0.18
	Kazimierz Marcinkiewicz I	PiS (minority)	10/2005 – 12/2005	2	cohabitation	0 / 0	0 / 0	0 / 0
Total						35 / 0.29	24 / 0.20	43 / 0.43
Lech Kaczyński	Kazimierz Marcinkiewicz I	PiS (minority)	12/2005 – 05/2006	5	unified	0 / 0	0 / 0	4 / 0.80
	Kazimierz Marcinkiewicz II	PiS, LPR, SO	05/2006 – 07/2006	2	unified	0 / 0	0 / 0	5 / 1.5
	Jarosław Kaczyński I	PiS, LPR, SO	07/2006 – 09/2007	13	unified	1 / 0.08	0 / 0	7 / 0.54
	Jarosław Kaczyński II	PiS, (minority)	09/2007 – 11/2007	3	unified	0 / 0	0 / 0	2 / 0.67
	Donald Tusk I	PO, PSL	11/2007 – 04/2010	28	cohabitation	16 / 0.57	14 / 0.50	12 / 0.43
Total						17 / 0.33	14 / 0.27	30 / 0.59
B. Komorowski (acting)		PO, PSL	04/2010 – 07/2010	3	unified	0 / 0	1 / 0.33	2 / 0.67
G. Schetyna (acting)		PO, PSL	07/2010 – 08/2010	1	unified	0 / 0	0 / 0	0 / 0
Bronisław Komorowski		PO, PSL	08/2010 – 12/2010	5	unified	0 / 0	0 / 0	2 / 0.4
All presidents						76 / 0.32	56 / 0.23	106 / 0.44

Notes: AWS –Electoral Action Solidarity (Akcja Wyborcza Solidarność); KLD – Liberal Democratic Congress (Kongres Liberalno-Demokratyczny); LRP – League of Polish Families (Liga Polskich Rodzin); SO – Self-defence (Samoobrona); PC – Centre Party (Partia Centrum); ZChN – Christian-Democratic Alliance (Zjednoczenie Chrześcijańsko-Narodowe); PChD – Christian-Democratic Party (Partia Chrześcijańsko-Demokratyczna); PiS – Law and Justice (Prawo i Sprawiedliwość); PL – Peasant Alliance (Porozumienie Ludowe); PO – Civic Platform (Platforma Obywatelska); PPG – Polish Economic Programme (Polski Program Gospodarczy); PSL – Polish Peasant Party (Polskie Stronnictwo Ludowe); SChL – Christian-Peasant Party (Stronnictwo Chrześcijańsko-Ludowe); SLD – Democratic Left Alliance (Sojusz Lewicy Demokratycznej); UD – Democratic Union (Unia Demokratyczna); UP – Labour Union (Unia Pracy); UW – Freedom Union (Unia Wolności).

- a) The party of the Prime Minister is listed first, the underlined party is the party of the president.
- b) No formal coalition was formed under Bielecki; nevertheless, his government was – with the exception of the PZPR – supported by nearly all parliamentary parties and groups. Parties listed are those which held portfolios.
- c) Pawlak was appointed by Wałęsa and passed the vote of confidence in parliament but failed to form a government.
- d) Belka fell short of a majority of votes in his first vote of confidence; nevertheless, Kwaśniewski appointed him again.

Sources: Leszczyńska (2007); Tavits (2008); Jasiewicz and Jasiewicz-Betkiewicz (2008, 2009, 2010, 2011); Ziemer and Matthes (2010); Website of the Polish Sejm at <http://www.sejm.gov.pl>; Website of the Polish President at <http://www.prezydent.pl>; Website of the Polish Constitutional Tribunal at <http://www.trybunal.gov.pl>.