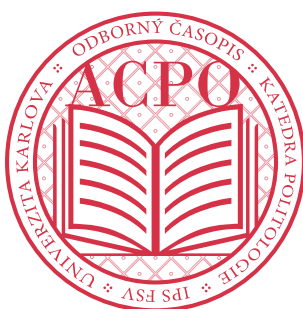


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‘I will not be a mere wreath layer!’

Analysis of the presidential refusal to appoint cabinet ministers in the Czech Republic

Aleš Michal, Michal Malý, Petr Hrebenár¹

Abstract:

The discrepancy between the constitutionally defined and actual exercise of the power of state institutions has been widely discussed within European political science. The adoption of direct presidential elections in the Czech Republic, where the law entered into force in 2012, and the associated shift towards a more powerful presidency has also prompted much debate. The sovereign perception of the mandate of the first directly elected president, Miloš Zeman, intensified academic discussions about the implications of a change in regime type (from a parliamentary one towards a de facto semi-presidential one). While scholars have differing views on this matter, only a few academic articles have focused on the crucial aspects of presidential power, with most rather assessing the overall regime character instead. This paper views the appointment of cabinet members as an essential non-shared presidential power, emphasizing interactions among actors in the political system. A comparative case study enables us to explore situations where three Czech presidents adopted authoritative approaches in exercising their powers. We present a new dataset that uses qualitative analysis to examine incidences when a president delayed the process of appointing cabinet members, representing a deviation from the praxis of cabinet domination in a parliamentary regime. Comparing the three Czech presidents – two elected indirectly and one directly elected – enables us to assess the impact of the popular vote in this regard. Focusing on a temporal dimension allows for comparison of the periods of delay between a publicly declared effort to reject candidates till the moment of their appointments (or withdrawal). The key findings consist of the significant difference between indirectly elected presidents and their directly elected counterparts in appointing cabinet members. The paper contributes to the debate about the discrepancy between constitutionally defined powers, their exercising in reality, and a shift from parliamentarism to semi-presidentialism.

Key words: *President of the Czech Republic; presidential powers; cabinet appointments; Czech Constitution; semi-presidentialism; parliamentarism*

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"I will be tolerant to the extent that I probably will veto only one person. It will not be an aversion because I have never seen this man."

Miloš Zeman, President of the Czech Republic, November 17, 2021

Introduction

The changes in political regimes in newly established democracies have repeatedly emerged as a subject of intense discussion in contemporary European political science and constitutional law – not only due to the persistent debates about aspects of the ‘third wave’ of democratization (Huntington 1991) but, above all, due to the increasingly autocratic tendencies observed in several Central Eastern European (CEE) countries (Guasti & Bušítková 2023; Rossi 2020; Szente 2021). These reversals of democratization trajectories involve disrupting the independent judiciary (Szwed 2022) or stimulating inclinations of powerholders towards illiberalism (Guasti 2020; Pytlas 2021). Considerations of these developments closely intertwine with traditional concerns about democratic stability (Elgie 2008; Sartori 1994), inherently associated with submitted arguments to the contradictions between constitutional theory and practice (Duverger 1980). Based on the differences between the written Constitution and de facto political approaches, this formal conflict encourages scrutiny of constitutional conventions and their role in the (newly) democratic system(s) (Taylor 2014) as instances of the ‘black box’ in the decision-making of responsible state institutions.

The role of the President is ever-present in the discussions surrounding regime changes in European post-authoritarian democracies because presidential powers and interactions between crucial actors define the regime types (Elgie 2008; Tavits 2009). The analysis of institutional interactions and changes in power distribution often includes the turn from parliamentarism towards semi-presidentialism. Research focusing on strengthening the powers of the presidency starts with the economic and political transformation in the CEE – mainly focusing on the specific case of Poland (Sadurski 2019) or comparatively assessing the influence of popular votes on presidents (Tavits 2009). Countries with recent shifts in electoral mechanisms present compelling cases for investigating the regime changes rooted in power shifts among actors when the formal rules remained practically unmodified. The Czech Republic, which shifted to direct presidential elections in 2012, represents an appropriate and relevant case.

The present research investigating the impact of direct elections on the position of the President overlaps with debates about the conditional Czech turn from parliamentarism towards semi-presidentialism in their dominant forms (Brunclík & Kubát 2016; Hloušek 2014; Wintr, Antoš, & Kysela 2016). These analyses explore the degree to which the formal conditions describe the regime as parliamentary/semi-presidential. Newer research also addresses the question of constitutional conventions, an original issue that supplements the complete image of constitutional reality revealed in political routine (Brunclík 2021; Hájek 2023). Most of these papers focus on the whole regime level. However, the implementation process of the constitutional articles and their research at the micro-level may serve as an essential touchstone in the following exact process, with consequences for the debates about higher-level theories.

This paper combines constitutional law and political science literature to conceptualize the conditions for a regime change from parliamentarism to semi-presidentialism.

It focuses on Article 62 of the Constitution of the Czech Republic, which defines the appointment of cabinet ministers (Constitution of the Czech Republic 1993). In the theoretical part, the article also explores the specific context of the local presidency, which has largely determined the current system, focusing on unformal dimensions of presidential power (e.g., history-driven mythization of the office, presidents-as-individuals, etc.) The empirical part of this paper presents an original dataset of instances in which Czech presidents have delayed or rejected the appointment of a cabinet member, with a particular reference to technical details such as time (e.g., duration of the decision-making process) and functional aspects (e.g., portfolio allocation, party membership). Our micro-analysis compares the behaviour of the first directly elected President, Miloš Zeman, during his two terms in office (2013–2023), with that of his indirectly elected predecessors – Václav Havel and Václav Klaus; notably, Zeman, after leaving office, even declared he intended to change the regime towards presidentialism. The main research question (RQ) assesses whether the behaviour of presidents elected by popular vote tends to be more authoritative than non-elected ones, as expressed through the more prolonged interventions in the appointment process of cabinet members. Additionally, the research contributes to the debate on the form of elections as a necessary condition to the perception of presidential behaviour and its potential to redefine the political regime.

Presidential Powers as a Subject of Contemporary Debate

Studying the origins and foundations of the current European legislative frameworks, particularly concerning modern constitutionalism, is essential for understanding the genesis and subsequent applications of various mechanisms. Newly established constitutional texts in modern democracies did not emerge in a vacuum (Brunclík & Kubát 2016; Elster 1991). Instead, they drew on tested principles of field-proven processes and adapted them to innovative circumstances. The French, American, and German constitutional systems have had a decisive influence on the constitutional status of contemporary European democracies (Emmert 2009), significantly contributing to the definition of positions of presidents within the hierarchy of state institutions. Presidents are often regarded as crucial figures at the top, with significant responsibilities, decision-making roles, and ceremonious authority. Therefore, the research of presidential powers within democratic systems comprises a multifaceted area of interest that involves several disciplines examining state institutions' intricacies, mutual interactions, relations, and developments.

The most robust branch of the debate models the effort to measure these powers in pursuit of the comparative dimension. While some research emphasizes the importance of the institutions' functionalities through single case studies, using an idiographic approach limits broader generalization (Kuzio 2005; Šedo & Bršťáková 2009). Over time, a more universalistic research approach gradually prevails. It uses the aggregation techniques of indexing single powers (Metcalf 2000) or individual scores (Doyle & Elgie 2016), eventually, in the comparative cross-country studies (van Cranenburgh 2008; Gilmour 2002) building mid-level theories (Sartori 1991).

The discussion focusing on the interpretation of presidential powers interlinks with the debate surrounding various democratic regimes. In widely accepted typologies, the role of presidents defines the system's character (Duverger 1980; Sartori 1994). These typologies rest on two fundamental pillars: the presidential and parliamentary democratic

regimes. The presidential system is characterized by the strong powers of the president, who dominates the executive, focusing primarily on the case of the United States (Beckmann & Kumar 2011) and the Latin American post-authoritarian countries (Corrales 2016; Linz 1990). The most significant issue in thinking about presidential systems explores their stability in democratic conditions and their predisposition to fall. On the other hand, the parliamentary system establishes the President as a weak figurant with a particularly representative role (Brunclík & Kubát 2016; Sartori 1994). The practical need to clarify some aspects of the position of the President within the local system hand-to-hand with more instances of non-shared powers in the context of parliamentarism led some authors to conceptualize a new, semi-presidential model, where the head of the state has more extraordinary powers (Duverger 1980), a dual authority structure exists (Sartori 1994), and is elected by direct popular vote (Shugart 1992).

The electoral mechanism has become a crucial criterion of contention in the debate about the semi-presidential model. The substantial question is: Are direct elections a necessary or sufficient condition for this classification? While some authors argue that for a system to be considered presidential having a 'general' election is essential (Duverger 1980), others specify it as 'people voting – directly or indirectly' for the head of state (Sartori 1994) as a definitional criterion (Brunclík & Kubát 2016). It is necessary to note that the popular vote is spreading worldwide (Blais, Massicotte, & Dobrzynska 1997; Tavits 2009), and this electoral mechanism does not have an unambiguous impact on the President's strength, as demonstrated by the examples of Austria or Iceland (Duverger 1980). Therefore, despite the early Duvergerian approach that sees the popular vote as a necessary criterion of a semi-presidential regime and which has gained colossal renown in political science, we accept the modern way of describing the popular vote as one of the criteria.

The transition of communist systems into democracies in the Central and Eastern Europe (CEE) region during the 'third wave' (Huntington 1991) required extensive changes in the adjustment of state institutions, which previously embodied the concentration of power under the ascendancy of one leading party. As such, the region occupies an important place in the debates about current presidencies, mainly due to the transformation process specificity. The changeovers in these countries, united under the idea of free and open constitutionalism (Elster 1991), typically resulted in the formulation of fundamental principles, such as free and fair elections or enumerative declarations of civic rights (Karl & Schmitter 1991). While the transition process was not entirely successful in all countries with a promising start (Diamond 2002; Munck & Leff 1997), and somewhere were significantly influenced by the bureaucratic character of the previous communist regime (Ishiyama & Velten 1998), it generally produced new institutions constructed on local traditions and political cultures. Therefore, the system of formal presidential powers, usually set out in the constitution, would not be understood as a single-standing condition pinpointing the character of the regime; it is also necessary to turn attention to an imaginary system of *presidential power*, including the dynamics of the office, interactions with other institutions, and the behaviour of the individuality currently holding the authority.

Faces of local systems do not limit only formal rules stipulated in written constitutions but also envelop the 'grey zone' of constitutional conventions. These mechanisms refer to statements prescribing the conduct, usually required in concrete situations (Jennings 1959). Unlike formal institutions within the system of checks and balances, including the head of state, constitutional conventions may be defined by a creative interpretation of

the Constitution or following the exercise of powers in the new cabinet creation process. Examples of this present in the presidential signature of an approved law in Germany (Taylor 2014), the space for the President after the parliamentary election in Slovakia (Káčer 2022), or the president's appointment of the leader of the parliamentary majority as the new prime minister in Czechia (Hájek 2023, 7-9). The shape of constitutional conventions inherently links to the interactions between institutions. It could change the nature of the regime without any infringement on the written form of the Constitution.

The diversity among countries in the CEE region involved variation in perceptions of the institutions of the presidency. The scale of his power starts at the point of a weak president elected by parliament (Pogany 1993) and ends in the position of a strong president with autocratic tendencies elected by popular vote (Petrova & Pospieszna 2021). Therefore, the dynamics of the transformation process inspired discussions about the softness of differentiation between parliamentary and semi-presidential democratic models, in contemporary cases supplemented by illiberal tendencies in several countries (Guasti & Bustikova 2023), impact on the rule of law consequent of the COVID-19 pandemic (Szente 2021), strong personalism (Brunclík & Kubát 2016) or turns in the functioning of relating institutions (Póczy 2019).

Legal Aspects of the Appointment of Cabinet Members

On the matter of glorifying the President's position vis-à-vis the Government in case of the appointment of cabinet members in the Czech Constitution and legal doctrine, it is indisputable that the President as the Head of State is enshrined in Chapter 3 of the Constitution of the Czech Republic, i.e. as part of the executive branch, and its powers are mainly regulated by Articles 62 and 63. Regarding his powers concerning the Government, one of the most significant ones is to appoint, recall or accept the resignation of the prime minister and members of the Cabinet.

As stated above, we argue, as do many other scholars (Holländer 2009: 319; Vyhnaněk 2016), that the President of the Republic is part of the executive branch and the Government in a narrow sense. However, the doctrine regarding the President's role in the Czech political system is ambiguous. The opposite argument is advocated by Pavlíček (2008), who states that the President is a so-called neutral power—mainly laid on the President's power to appoint members of the Banking Council of the Czech National Bank. This power is being executed without the Government's approval; therefore, it is one of the powers without so-called countersignature. Hence, the President is sometimes labelled nonpartisan (Pl. ÚS 77/06 par. 59) but as a part of the executive branch.

Before we dive into the President's powers, we must deal with the amendment of the Constitution from 2012 that changed the election of the President from indirect to direct. Some scholars questioned whether it changed the powers and their concept (Wintr, Antoš, and Kysela 2016). They mostly concluded by stating that the amendment changed the voting procedure, but the concept of the President's powers remained unchanged (Tavits 2009: 233–34). Wintr (2020: 71–72) says that there are also political factors that can change the behaviour of the head of state after the direct vote comes into force. One of them is *“a higher degree of democratic legitimacy for the president, who is directly elected by the people and thus elected by the majority of voters.”* But Antoš (2011) stresses

that further research is needed when interpreting powers solely, but on the whole, the interpretation of powers remained unchanged after the amendment.

Similarly to positioning the President in the system of powers, Czech legal doctrine is disunited in whether the prime minister's resignation means the Cabinet's resignation as a whole body or only of the prime minister as a political actor. Antoš (2022), like most Czech constitutional scholars, leans towards the former interpretation. Unsurprisingly, in the same way, we can ruminate on the appointment of the members of the Cabinet, and we later try to elaborate on it.

Wintr (2020: 104–5) divides the President's powers into three functions. Based on their content, he describes the (1) moderating, (2) guaranteeing, and (3) representative functions of the President of the Republic, whereas the power to appoint a member of the Cabinet is labelled as moderating one.

To focus on the appointment of the members of the Cabinet, we must first provide the relevant text of the Constitution, which on this matter is somewhat unclear, as it states in article 62(a) that:

*“The President of the Republic:
appoints and recalls the Prime Minister and other members of the
Government and accepts their resignations, recalls the Government and
accepts its resignation;”²*

For the explanation of this relationship, we should also highlight article 68(2) of the Constitution:

- 1. The President of the Republic shall appoint the Prime Minister and, on the basis of the Prime Minister's proposal, the other members of the Government and entrust them with the management of the ministries or other offices.*

As mentioned previously, the interpretation of these provisions is somewhat unclear. We can interpret it as some scholars do (Koudelka 2018: 170–96) as a politically constrained will of the President, who has no choice but to appoint every member of the Cabinet that the prime minister proposes while the Cabinet is also answering to the President alongside the Chamber of Deputies. Therefore, he has free discretion over the appointment. We can find some authors, such as Hendrych (1997: 115), to support his statement. However, as Grinc (2022: 244) correctly stated, we cannot base our findings on historical arguments that did not count on current constitutional changes.

Grinc (2022: 242–43) also gives a kind of argument *ad absurdum* when he warns against a comprehensive interpretation of this competence with reference that Kysela (2019: 167–68) made about a case from Peru with the constitutional crisis between 1963 and 1968, when the President appointed 178 ministers. In this case, the President would become: *“a potential co-creator of a government with its Prime Minister. He could completely impose the composition of the Government on the Prime Minister (otherwise, he would not appoint the Government), even on a Prime Minister appointed on the proposal of the Speaker of the Chamber of Deputies under Article 68(4) of the Constitution. If the*

² From a translation used by the Constitute Project, accessible via https://www.constituteproject.org/constitution/Czech_Republic_2013?lang=en#s320.

Chamber of Deputies did not accept this (by failing to give the Government a vote of confidence), the President could simply dissolve it at the third attempt.”

Balanced interpretation is presented by more or less unified prominent Czech constitutional scholars (Grinc 2022: 247–51; Herc 2015: 582; Holländer 2009: 323; Kysela 2008: 248; Molek 2010: 842; Pavlíček 1998: 220; Rychetský 2015: 688; Wintr 2020: 98) who give the President at least a small margin of appreciation. The interpretation following the presidential oath that states “... I pledge to uphold its Constitution and its laws” is that the President does have the right not to appoint a member of the Cabinet, however within predefined boundaries. According to presented researchers, these boundaries are based on the interpretation of the Constitution itself that the President can pause the appointment as Václav Klaus did in the case of David Rath (iDnes 2005) or when the discrepancy is *contra legem* or *contra constitutionem*.

Wintr (2020: 98) also describes this act of review, whether the appointment of the person concerned as a Cabinet member is legally correct as a constitutional convention. Hájek (2023: 17–18) does not find it as a convention and instead calls it a grey zone of constitutional conventions. We must add that Hájek (2023: 17–18) elaborates on the unconditionality of the act of appointment or resignation described previously by Koudelka, so he views it from a different perspective.

But would it be binding to accept that it is a constitutional convention? The last word, in this matter, would have the Constitutional Court, which follows German *Bundesverfassungsgericht* (case BVerfGE, 72: 189) in its case law (e.g., Pl. ÚS 14/01, Pl. ÚS 33/97). And as Kindlová (2008) summed up, the constitutional conventions are part of constitutional *law*, according to the Czech Constitutional Court. Wintr, Antoř, and Kysela (2016: 148) stay vigilant and instead see them as relevant rather than legally binding.

Hypothesis 1: President elected in a popular vote tends to utilize creative interpretations of his powers regarding appointing cabinet members more often.

The President and the Path to his Direct Election

The position of the President is closely linked to the history of the Czech Republic and the Czechoslovak Republic, mainly because this position survived the German occupation in the Second World War and, subsequently, 40 years of communism. So, the President has been an existing position for 105 years. Over most of the period, the President was elected indirectly, primarily through parliament. In 2012, however, the electoral law changed, and the President began to be elected by a direct popular vote. Has the introduction of the direct election altered the perception of the President? Did direct election give the President more powers? The following part analyses the path to introducing direct presidential elections. The first part focuses on the historical context of the President’s position and its associated effects. The second part discusses the political debate reflecting on the direct election before its introduction. The third part focuses on the debate after its introduction.

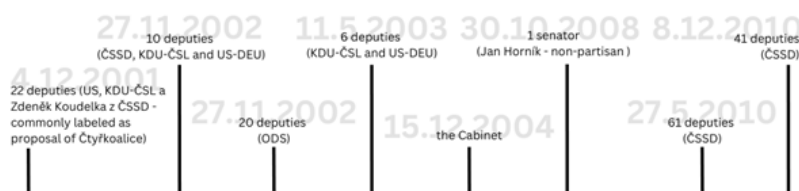
After the fall of the Habsburg monarchy, it was necessary to decide which political system to choose for the newly established Czechoslovak Republic. The first president, T.G. Masaryk, promoted a presidential republic modelled on the United States Constitution. However, his concept needed to meet the majority’s understanding, and a parliamentary system based on the strength and power of political parties was chosen (Pithart 2014).

The new system gave the President of the Republic few powers. However, Masaryk needed to allow himself to be made a ceremonial president. Through his strong authority and popularity, he tried to influence political events and, through contacts with individual political parties and in the media, to be the opposite of party groups to act as an opposition figure (Klimek 1996). With his behaviour, Masaryk established the tradition of activist presidents who, despite their constitutional “weakness”, can influence domestic politics thanks to their position and popularity. Through his influence, Masaryk also promoted his successor, Edvard Beneš. The continuity of the presidency lasted even in the years 1948–1989: *“Even during the communist dictatorship, which in general did not like presidents in Central Eastern Europe, the institution of the president, despite the Soviet model of a collective head of state, remained a continuous and therefore a traditional part of the Czechoslovak constitutional order”* (Brunclík & Kubát 2017: 74-75). The Prague Castle building is an important symbol that significantly influenced and continues to influence the view of the President of the Republic. It is a majestic building where Czech kings resided for hundreds of years. One could say that it is the embodiment of Czech statehood (Mlejnek 2014). Despite his opposition to the monarchy, even Masaryk chose Prague Castle as his residence. He justified his choice by the fact that: *“The president – as the stability of his position shows – is most likely of all constitutional officials the body of state tradition. The castle also still reminds him of this”* (Klimek 1996: 84-85). Prague Castle serves as the residence of the Czech president to this day.

Czechoslovak presidents had always been elected indirectly through the parliament. However, with the fall of the communist regime, the question of whether it was time to change how the President was elected began to arise. The introduction of the direct presidential election was discussed for the first time during the Velvet Revolution. The communists wanted to take advantage of the popularity of the then-federal prime minister Ladislav Adamec and push him to the post of President through direct election. In 1992, on the other hand, the unsuccessful Civic Movement advocated direct elections out of fear Václav Havel would not otherwise be elected as President. Numerous unsuccessful attempts followed over the next 20 years. The first parliamentary attempt to introduce a direct election was by the so-called Four Coalition in 2001. The second attempt was by a group of coalition MPs from the ČSSD, KDU-ČSL, and US-DEU. The third attempt was by the ODS and differed from the previous two in its content and tried to introduce a one-round direct election. In the 2002–2006 election period, two additional attempts were made; the first was presented by MPs and senators for the KDU-ČSL and US-DEU, and the second by the entire government (ČSSD, KDU-ČSL, and US-DEU). In 2008, Senator Jan Horník tried to push through the proposal, but the proposal did not even pass the Senate. Two attempts by the ČSSD in 2010 also failed (Charvát 2013, Musilová & Šedo 2013).

Figure 1 introduces all attempts to include direct presidential election into Czech Constitution.

Figure 1: Time series of attempts to introduce a direct presidential election in the Czech Republic.



Source: Own Processing, based on data in Musilová & Šedo (2013).

There were different opinions on this issue regarding introducing direct presidential elections. One of the most prominent opponents of its introduction was Miroslav Novák, who considered it illogical within the parliamentary regime (Novák 2008). Michal Kubát considers the introduction of direct election of the President to be a limitation of the actual holder of power, i.e., the Government and the parliament. The increased legitimacy of the President can, on the contrary, deepen the Government's potential for inaction (Kubát 2013). It can be said that the scientific community, consisting mainly of political scientists and constitutional lawyers, was against introducing direct elections. As the lines above show, the impetus for the introduction mostly came from opposition politicians or political parties.

Despite professional reservations, direct presidential elections were introduced in 2012. The two main reasons for the introduction were, on the one hand, the general social dissatisfaction with the electoral system at the time and the effort to end indignities associated with the election, such as bullets in the envelope, intimidation, behind-the-scenes improprieties or pressure on individual MPs and senators (Charvát 2013, Musilová & Šedo 2013). Several political commentators and analysts have criticized these practices. However, thanks to the media coverage of the whole issue, most of society, which supported the introduction of direct elections, became interested in the problem. Jakub Charvát refers to the entire process as a passive stimulus from the masses (Charvát 2013).

Former Prime Minister Miloš Zeman won the first direct elections by 476,234 votes. Shortly after his accession, the Government of Petr Nečas fell. Instead of President Zeman entrusting the formation of the Government to someone who could form a government with a parliamentary majority, Zeman "installed" Jiří Rusnok's cabinet in the government office. This unprecedented situation brought with it the question of whether, with the introduction of direct elections, the Czech parliamentary system has moved to a semi-presidential system. In 2006, constitutional lawyer Jan Kysela wrote that only by changing the electoral system will the system move to a semi-presidential one. However, the President will gain greater legitimacy, allowing him to "jump out" more. It is solely up to the parliamentary actors whether this space leave (Kysela 2006). Even after introducing direct elections, the opinion that the Czech Republic is a semi-presidential system did not prevail in the academic debate. On the contrary, the idea that it is still a parliamentary republic remains (Wintr, Antoš, Kysela 2016). The direct election only deepened the deformation of the Czech parliamentary regime supported by the peculiar behaviour of President Zeman (Kubát 2013). As for the defining features of the semi-presidential system, the Czech one only fulfils popular choice (Brunclík 2014; Brunclík & Kubát 2016). The President enjoys greater legitimacy thanks to direct election, but the powers remain almost the same, except for the need for a countersignature in the case of abolition (which was not needed until 2012) and a double-qualified majority to file a constitutional lawsuit (Musilová & Šedo 2013).

Based on the debate on the introduction of the direct presidential election, we formulate the following hypothesis:

Hypothesis 2: Presidents elected by popular vote will intervene more intensively in the procedure of cabinet appointments.

Methodology

Applying legislative acts in practical situations is a fundamental subject of inquiry in traditional legal studies. However, the continental traditions differ in the degree to which the empirical law analysis overlaps political science. In contrast to the European tradition, the American mainstream inherently acknowledges the political aspects of legislation, significantly influenced by the unique role of the Supreme Court in the political system (Hunter, Shannon, & Lozada 2022) and the salience of particular acts in American history. Conversely, the dominant European approach observes the court system as strictly independent of political power, with natural variation in the functioning of multiple institutions across European countries (Navarrete & Castillo-Ortiz 2020). Recently, the politicization of (constitutional) judicial power has been discussed in the CEE countries, given their experiences with the previous connection between state and court structures. The ongoing debate focuses on balancing safeguarding human rights and maintaining effective control mechanisms (Šípulová & Smekal 2021).

In law and political science, generalization feasibility has become a crucial challenge. While investigating convoluted norms and standards focuses on constitutions (Newman 2004) or the role of human rights in international law (Sheeran 2013), which offer universal conclusions and outcomes, gathering specific data on particular problems can also be valuable, even without the ambition to develop 'high-level theory'. Case studies and in-depth analyses within a single scientific discipline have limited generalizability (Gerring 2004); however, interdisciplinary attitudes can generate new and original perspectives based on detailed explanations. A qualitative microanalysis, protecting the high unit homogeneity (Gerring 2004), effectively connects in-depth aspects with broader theoretical facets of the political regime. Additionally, this method is commonly used for descriptions of the behaviour of political institutions (Gibson 2006).

This study concentrates on one specific subject of presidential powers, namely Article 62 of the Constitution of the Czech Republic, which regulates the nomination of cabinet members. We aim to define our area of interest by its application to empirical reality. As argued above, the Constitution and the implementation of its provisions can have a measurable impact on the political regime type. Through the original presented data, we introduce crucial variables that will be the focus of our attention, and draw conclusions about the changes in the Czech regime empirically.

Data

We present an original dataset documenting instances where the Czech President's scepticism regarding appointing cabinet members was expressed by delaying the constitutional process. The dataset comprises variables that compare presidents elected by parliamentary vote with the one President elected in the popular vote before 2023. The dataset pertains to 10 variables corresponding to a qualitative strategy to explore individual moments in-depth. Four variables describe the (1) **personal data** about participant actors, including the names of the acting President, prime minister, and the nominating political party. The second category of variables collects (2) **time data**, which allows for examining the conflict within a temporal context. Additionally, this analysis is supported by (3) **context variables**,

such as appointment comments and reasons provided by the ruling President to advocate his decision. Finally, the (4) cabinet variables clarify the resort and the final decision.

Case Selection

The case of the Czech Republic has aroused research interest regarding the ongoing debate surrounding fundamental regime turns, which was discussed in the theoretical framework and aligned with the central focus of this issue. The process of selecting a single case involves using keywords or key phrases (e.g., “*presented an effort not to appoint*”, “*president does not want to appoint*”, “*rejected the appointment*”) to exclude situations where the explored power was not applied in its entirety. Moreover, problems can occur when the President props up his reservations legally following the constitutional rules. We have identified one disputable case (appointment of David Rath, 2005); nonetheless, no constitutional authority solved this. The process instrumentalized a manual media analysis to gather data on the President in which he expressed doubts about individual ministerial nominations. The research unit is not the news as an essential subject of media content analysis (Matthes & Kohring 2008) but the situation and surrounding discourse, as demonstrated through the input-output connection between steps presented during the time.

The appointment context generated two fundamental directions: the proposal by the Prime Minister of the nomination (a) **after the resignation of the cabinet member** or (b) **during the formation of a new cabinet**. Other situations where this may arise should have been considered in the presented data. The scale of the final decision also was not binary: the (a) **appointed** and (b) **not appointed** occupy the poles, but the area between them included (c) **specific situations** where alternative solutions were found. The dataset demonstrates **18 cases** in total.

Table 1 presents all explored cases in which the President of the Czech Republic formulated doubts concerning the nomination procedure.

Table 1: Contested cases in the nomination procedure regulated by the Article 62 of the Czech Constitution

| Acting President | Acting PM | Name of Candidate | Year | Nominated for the Party | The Final Decision |
|-----------------------------|------------------------|---------------------|-----------|-------------------------|--|
| Václav Havel (1993–2003) | Miloš Zeman (ČSSD) | Václav Grulich | 1998 | ČSSD | Appointed |
| | | Jan Kavan | 1998 | ČSSD | Appointed |
| | | Miroslav Grégr | 2001 | ČSSD | Appointed |
| Václav Klaus (2003–2013) | Vladimír Špidla (ČSSD) | Milan Urban | 2003 | ČSSD | Appointed |
| | | Zdeněk Koudelka | 2004 | ČSSD | Not Appointed (fall of the cabinet) |
| | Jiří Paroubek (ČSSD) | David Rath | 2005 | ČSSD | Appointed |
| | Mirek Topolánek (ODS) | Karel Schwarzenberg | 2006-2007 | Green Party | Appointed |
| | Petr Nečas (ODS) | Karolína Peake | 2012 | Liberal Democrats | Appointed |

| Acting President | Acting PM | Name of Candidate | Year | Nominated for the Party | The Final Decision |
|----------------------------|----------------------------|-------------------|-----------|-------------------------|--------------------|
| Miloš Zeman (2013–2023) | Bohuslav Sobotka (ČSSD) | Milan Chovanec | 2014 | ČSSD | Appointed |
| | | Jan Mládek | 2014 | ČSSD | Appointed |
| | | Lubomír Zaorálek | 2014 | ČSSD | Appointed |
| | | Jiří Dienstbier | 2014 | ČSSD | Appointed |
| | | Andrej Babiš | 2014 | ANO | Appointed |
| | | Martin Stropnický | 2014 | ANO | Appointed |
| | Andrej Babiš (ANO) | Miroslav Poche | 2019 | ČSSD | Not Appointed |
| | | Michal Šmarda | 2019 | ČSSD | Not appointed |
| | Petr Fiala (ODS) | Jan Lipavský | 2021 | Pirate Party | Appointed |
| | | Petr Hladík | 2022-2023 | KDU-ČSL | Specific* |

Note: *Cabinet member appointed by a new president, Petr Pavel.

Source: *Own Processing.*

Several situations are characterized by moments when the presidential resistance to the nomination failed. For instance, no valid interval indicates a power misalignment towards the President in four selected cases. Exploring these instances further and examining the whole mechanism involved is necessary. On the contrary, other concrete procedures can also be categorized based on whether the will of the President is fulfilled, and the candidate was not appointed (2 cases), rendering the measurement of the interval meaningless. Such a specific case pertains to the post-election procedure or new cabinet appointments, its fall, and a new presidential election (1 case).

Empirical Analysis of Presidential Interpretations of Article 62's Application

The empirical part offers an analysis of the actual extent of the presidential power enshrined in Article 62 of the Constitution of the Czech Republic, which regulates the appointment of cabinet members. The investigation comprises two principal components: (1) the data interpretation section juxtaposes the interpretations advanced by several persons holding the presidential office. It addresses a fundamental response to the question aimed at the potential transformation of the Czech regime's character. (2) The qualitative section elaborates on cases and their location within a thematic discourse while outlining the evolved possibilities.

Data Interpretation

Presidents elected by parliamentary vote, defined in Czech Constitution from 1993 until 2012 (Brunclík & Kubát 2016), expressed their doubts about cabinet members' nominations in eight instances (three during the presidency of Václav Havel, and five during that of Václav Klaus). This demonstrates that the first president was not an activist in the internal aspects of the nomination procedure, likely due to the unique challenges of societal transformation that ascended during the 1990s. Václav Havel's delaying activity demonstrates itself in the cabinet of Miloš Zeman, the first prime minister coming from a left-wing

party after the fall of Communism. Václav Klaus, on the other hand, frequently utilized this type of interpretation but was never successful in recasting conventions. He attempted to realize the first rejection in 2003, regarding the nomination of Social Democrat (ČSSD) Milan Urban, while the last was in 2012 when Prime Minister Petr Nečas (Civic Democratic Party – ODS) nominated Karolína Peake to his cabinet. Notably, three of the five cases arose during Klaus' first term in office and involved the Social Democrats. It is worth noting that Václav Klaus was the honorary chairman of the ODS, which he established in 1992 (Kopeček 2010: 98-99), and this party alternated in power with the ČSSD from 1992 until 2017 constantly, expecting caretaker cabinets (Brunclík 2020).

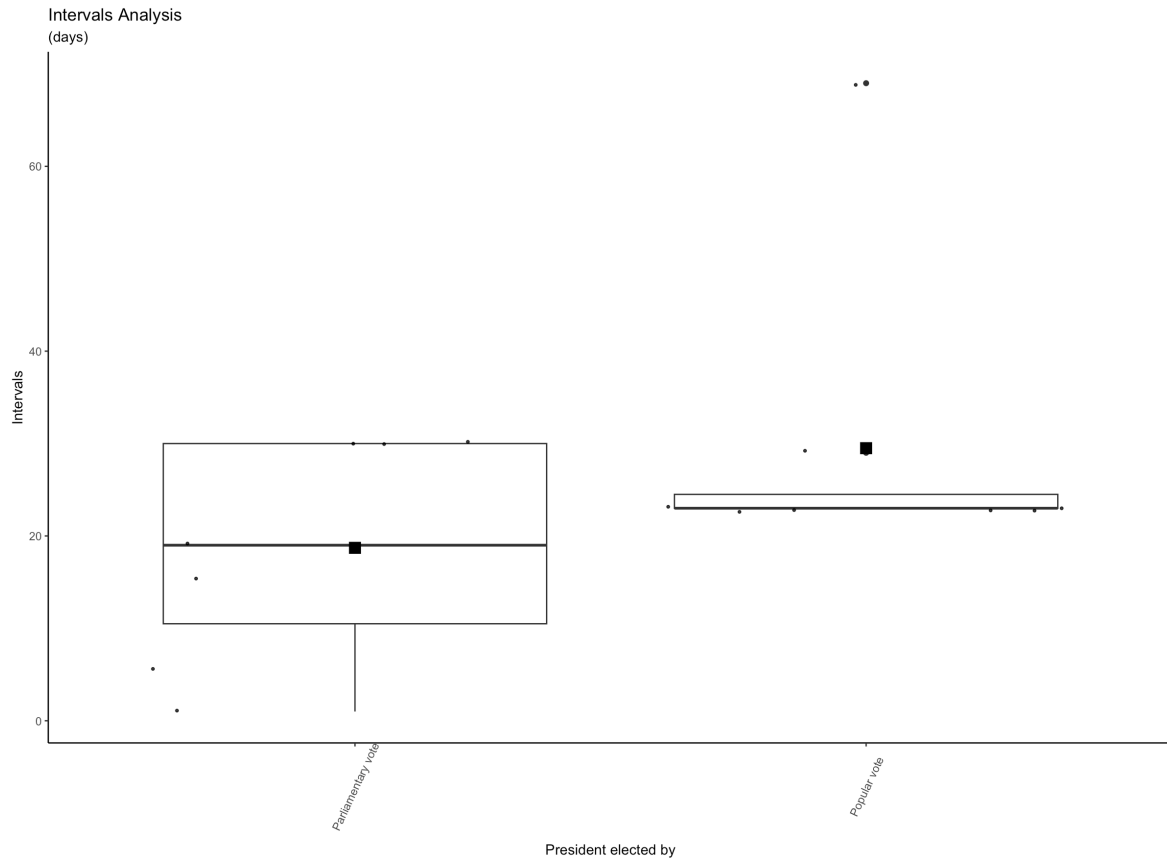
Additionally, we identify one specific case in the nomination of Zdeněk Koudelka, whose nomination lapsed following the fall of the actual cabinet. Václav Havel delayed the appointment procedure only in one instance, and Václav Klaus in five cases. Miloš Zeman, the first President elected in a popular vote, attempted to utilize this approach six times. This data led to the rejection of the first hypothesis exploring the number of interventions of a President elected in a popular vote – as the number was similar to the case of indirectly elected Václav Klaus.

Miloš Zeman delayed a cabinet appointment procedure in 10 instances, and in two of them managed to have them not appointed at all, which is possible to identify as unprecedented. He innovated the whole process through a new non-constitutional element: entrance interviews with candidates, which prolonged the process naturally. One specific example involved the interference of a new presidential election with the nomination procedure, resulting in the appointment of Petr Hladík by Zeman's successor, the newly elected President Petr Pavel. Zeman took a different approach to this procedure than his predecessors, formulating doubts, particularly in cases involving the Social Democrats, due to his past conflict with the party leadership (Kopeček, 2010). Unlike with Václav Klaus, most of Zeman's objections were directed towards individuals nominated by cabinets, not part of 'cohabitated' coalitions. Moreover, Zeman's delays predominantly targeted 'powerful' resorts regarding portfolio allocation (Strøm et al. 2008), such as foreign affairs or interior affairs posts.

Examining the time intervals between the start of the nomination procedure and the final decision about appointment suggests a notable dispersion in the behaviour of presidents elected by parliament versus those elected by popular vote, thus confirming the hypothesis of expecting a shift in the behaviour. While the number of cases is limited, we identify that the average delay time for presidents elected by parliament differs – 19 days for presidents elected by parliament, and 30 days for those elected by popular vote.

Figure 2 demonstrates the analysis of intervals between the date of submitting the cabinet member nomination and the final decision.

Figure 2: The Intervals analysis between the Formulation of First Doubts about Nomination and the Final Decision



Source: Own Processing.

The Qualitative Analysis of Specific Cases

Our data gathering has revealed several specific cases that warrant further qualitative explanation. One such instance involves Václav Havel’s exploitation using the area for doubts only about the appointment of Miroslav Grégr to the cabinet chaired by Miloš Zeman in 2001. This occurred during the first alternation of power after the fall of the communist regime (Kopeček 2015: 39-65) when the Social Democratic Party held office. Havel expressed his scepticism as *“disagreement with the concept of economy and technology zone”* (iDnes. cz 2000), underscoring the relevance of the economic issues. Furthermore, Havel had objections with Zeman in that year concerning the latter’s power to countersign the nomination of members of the banking board in the Czech National Bank (ČNB), and this dispute had to be decided by the Constitutional Court (Pl.ÚS 14/01 2001). Moreover, it must be noted that this conflict did not concern the resort agenda in Zeman’s cabinet – he nominated Grégr as deputy prime minister.

The nomination of Zdeněk Koudelka into the cabinet chaired by Vladimír Špidla in June 2004 was influenced by the unstable political atmosphere in the country. However, before the dispute could be resolved, Špidla’s cabinet fell following the Social Democratic defeat in the first European Parliament elections after the Czech joined the EU in May 2004 (Linek et al. 2014). A year later, Václav Klaus expressed doubts regarding the nomination of

David Rath, who led the Czech Medical Chamber (ČLK) during the beginning of the procedure, raising concerns about a potential conflict of interest (iDnes.cz 2005) without expert foundations. Nevertheless, Rath was appointed to the position after leaving this chairing. In 2006, Mirek Topolánek proposed the selection of Karel Schwarzenberg, nominated by the Green Party, but the fall of his cabinet disrupted the nomination process. After that, the President entrusted the firstly unsuccessful Prime Minister with forming a new coalition.

In 2014, Miloš Zeman articulated his distrust about the education level of candidate Milan Chovanec, leading to a dispute with Prime Minister Bohuslav Sobotka. Zeman was successful with his opinions on the appointments of candidates twice – firstly, in the case of Miroslav Poche in 2018, and secondly, Michal Šmarda in 2019. Both these politicians were members of the Social Democratic Party. Zeman rejected Poche's appointment due to personal conflicts (iRozhlas.cz 2018) and Šmarda due to the protest against removing the contemporary Minister of Culture from the cabinet (iRozhlas.cz 2019).

This qualitative analysis highlights the variability of the reasons behind the disputes around the nomination procedure. Usually, personal conflicts play a crucial role, leading to the active interventions of the President. However, presidents also often cite formal contradictions or misconducts, generating friction with the prime minister or, more commonly, with the nominating party.

The issue of the appointment of cabinet members in the Czech Republic has become a stable problem of institutional balance of power. The parliamentary regime is based on the loose overlapping of powers of sovereign actors with ordered functions, which leads inevitably to potential conflicts. The strong unformal position of the Czech presidents enforced by the historical mythization of the Prague Castle and the temperaments of persons holding this office led the constitution drafters after the fall of Communism in 1989 to the applications of classical instruments of 'checks and balances' that guarantees the borders among single actors.

One of the essential instruments of the checks and balances in the process of appointment of cabinet members is the possibility of a so-called *competence dispute*, stipulated by the Constitutional Court Act, which prescribes aspects and conditions of this type of constitutional mismatch of the state institutions (§ 120 – 125), including the President and the Prime Minister, the most important persons entering the constitutional process of cabinet formation. The Prime Minister can take legal actions aimed against the presidential wilfulness, while the Czech Constitutional Court makes a final decision on the power delimitations based on concrete parameters.

Conclusion and Debate

This paper, operating with the inoculation of the political scientist and jurisprudent arguments regarding constitutional systems, dives into the crucial prolonged debate about regime change and the following transformation process in the Central Eastern European countries. First, it collects current deliberations focusing on recent challenges, such as the influence of the popular vote or the tendency towards illiberalism. In the case of the Czech Republic, it discusses the position of the President of the Republic and its role as defined in the Constitution and delimited by the applications of powers. Then, it selects the rule stipulating the procedure for cabinet appointments (Article 62 of the Constitution). Finally, it explores to what extent there is room for creative interpretation as perceived by the head of the state.

The dominant opinion consists in capitalizing own powers as a result of implementing a popular vote into the country's legal system (Tavits 2009). This study confirms this notion on the background of the nomination procedure. Surprisingly, Miloš Zeman, the first President elected in a popular vote, utilized this approach less often than his non-directly voted predecessors. Nevertheless, Zeman's increased activity is proven through the significant extension of instances of delaying cabinet appointments. Additionally, he formulated his doubts in items of more salient resorts in the ruling cabinet. The Czech President is a strong figure defined across national history in this regard. Also, all three analysed presidents were influencing and active political actors who always strongly intervened in regular political negotiations while in office (Kopeček 2022). While the Czech regime cannot be described as semi-presidential because the written presidential powers did not change significantly, and it does not correspond with the traditional perceptions, following Brunclík and Kubát (2016) or Wintr, Antoř & Kysela (2016), the changes in perception of his role were observable in the case of Zeman. The new approach demonstrates his declared effort to shift the Czech regime to a presidential one (ČT24.cz 2023), which documents his unprecedented activity stretching the written procedures. Nevertheless, the written rules set out in the Czech constitution stayed stable in parliamentary intentions. Even though the research proved greater intensive activity in the case of a President elected in a popular vote, especially during his first years in office, there is no doubt that the personalities of Czech presidents influence their behaviour significantly.

Our key findings focusing on the activity of the Czech presidents from a comparative perspective may provoke new discussions about the character of regimes that adopted direct elections into their constitutions and other essential aspects of the roles of state institutions. However, the change in an electoral mechanism presents only a particular explanation of presidential behaviour within constitutional procedures. Therefore, future research should more often explore the internal aspects through microanalyses because they can reveal new matters.

REFERENCES:

- ANTOŠ, Marek (2011). Právní moc prezidenta republiky po zavedení přímé volby. *Acta Universitatis Carolinae Iuridica*. no. 4, pp. 27–41.
- ANTOŠ, Marek (2022). Demise předsedy vlády = demise vlády? V Čechách (spíše) ano, na Moravě (možná) ne. In FILIP, Jan; ŠIMÍČEK, Vojtěch; BENÁK, Jaroslav (eds.). *Pocta Janu Svatoňovi k 70. narozeninám*, Spisy Masarykovy univerzity: řada teoretická, Edice Scientia, sv. č. 734. Brno: Masarykova univerzita, pp. 209–32.
- BECKMANN, Matthew N.; KUMAR, Vimal (2011). How Presidents Push, When Presidents Win: A Model of Positive Presidential Power in US Lawmaking. *Journal of theoretical politics*. Vol. 23, no. 1, pp. 3–20. <https://doi.org/10.1177/0951629810378545>.
- BLAIS, André; MASSICOTTE, Louis; DOBRZYNSKA, Agnieszka (1997). Direct Presidential Elections: A World Summary. *Electoral studies*. Vol. 16, no. 4, pp. 441–55. [https://doi.org/10.1016/S0261-3794\(97\)00020-6](https://doi.org/10.1016/S0261-3794(97)00020-6).
- BRUNCLÍK, Miloš (2014). Mezi Berlínem a Paříží: kam kráčí politický režim České republiky. In KUBÁT (et al.). *O komparativní politologii a současné české politice*. Miroslavu

- Novákovi k 60, pp. 57–77.
- BRUNCLÍK, Miloš (2020). *Úřednické kabinetny v Evropě*. Brno: Books & Pipes.
- BRUNCLÍK, Miloš (2021). Three-Fold Gap: Researching Constitutional Conventions in the Czech Republic. A Review Article. *Politologický časopis*. Vol. 28, no. 1, pp. 20–36. <https://doi.org/10.5817/PC2021-1-20>.
- BRUNCLÍK, Miloš; KUBÁT, Michal (2017). *Kdo vládne Česku? Poloprezidentský režim, přímá volba a pravidla hry*. Barrister & Principal Publishing.
- BRUNCLÍK, Miloš; KUBÁT, Michal (2016). Český demokratický režim po roce 2012: přechod k poloprezidencialismu? *Sociologický časopis*. Vol. 54, no. 5, pp. 625–646. <https://doi.org/10.13060/00380288.2016.52.5.274>.
- BRUNCLÍK, Miloš; KUBÁT, Michal (2016). The Czech Parliamentary Regime After 1989: Origins, Developments and Challenges. *Acta Politologica*. Vol. 8, no. 2, pp. 5–29.
- CORRALES, Javier (2016). Can Anyone Stop the President? Power Asymmetries and Term Limits in Latin America, 1984–2016. *Latin American Politics and Society*. Vol. 58, no. 2, pp. 3–25.
- ČT24.cz (2023). Chtěl jsem Česko přiblížit prezidentskému systému, potvrdil Zeman. 2023. 5. 3. 2023 [cit. 2023-06-18]. Dostupné z WWW <<https://ct24.ceskatelevize.cz/domaci/3569489-chtel-jsem-cesko-priblizit-prezidentskemu-systemu-potvrdil-zeman>>.
- VAN CRANENBURGH, Oda (2008). ‘Big Men’ Rule: Presidential Power, Regime Type and Democracy in 30 African Countries. *Democratization*. Vol. 15, no. 5, pp. 952–73. <https://doi.org/10.1080/13510340802362539>.
- DIAMOND, Larry (2002). Thinking About Hybrid Regimes. *Journal of democracy*. Vol. 13, no. 2, pp. 21–35. <https://doi.org/10.1353/jod.2002.0025>.
- DOYLE, David; ELGIE, Robert (2016). Maximizing the Reliability of Cross-National Measures of Presidential Power. *British Journal of Political Science*. Vol. 46, no. 4, pp. 731–41. <https://doi.org/10.1017/S0007123414000465>.
- DUVERGER, Maurice (1980). A New Political System Model: Semi-Presidential Government. *European Journal of Political Research*. Vol. 8, no. 2, pp. 165–87.
- ELGIE, Robert (2008). The Perils of Semi-Presidentialism. Are They Exaggerated? *Democratization*. Vol. 15, no. 1, pp. 49–66. <https://doi.org/10.1080/13510340701768125>.
- ELSTER, Jon (1991). Constitutionalism in Eastern Europe: An Introduction. *The University of Chicago law review*. Vol. 58, no. 2, pp. 447–82.
- EMMERT, Frank (2009). Rule of Law in Central and Eastern Europe. *Fordham international law journal*. Vol. 32, no. 2, pp. 551–586.
- GERRING, John (2004). What Is a Case Study and What Is It Good For? *The American political science review*. Vol. 98, no. 2, pp. 341–54.
- GIBSON, James (2006). Judicial Institutions. In *The Oxford Handbook of Political Institutions*, Oxford handbooks of political science, pp. 514–35.
- GILMOUR, John B. (2002). Institutional and Individual Influences on the President’s Veto. *The Journal of politics*. Vol. 64, no. 1, pp. 198–218. <https://doi.org/10.1111/1468-2508.00124>.
- GRINC, Jan (2022). K možnosti kompetečního sporu mezi předsedou vlády a prezidentem republiky o jmenování člena vlády. In FILIP, Jan; ŠIMÍČEK, Vojtěch; BENÁK, Jaroslav (eds.). *Poceta Janu Svatoňovi k 70. narozeninám*, Spisy Masarykovy univerzity: řada teoretická, Edice Scientia, sv. č. 734. Brno: Masarykova univerzita.

- GUASTI, Petra (2020). The Impact of the COVID-19 Pandemic in Central and Eastern Europe: The Rise of Autocracy and Democratic Resilience. *Democratic theory*. Vol. 7, no. 2, pp. 47–60. <https://doi.org/10.3167/dt.2020.070207>.
- GUASTI, Petra; BUŠTÍKOVÁ, Lenka (2023). Varieties of Illiberal Backlash in Central Europe. *Problems of Post-Communism*. Vol. 70, no. 2, pp. 130–42. <https://doi.org/10.1080/10758216.2022.2156889>.
- HÁJEK, Lukáš (2023). Idiocratic Columbo's Wife? Constitutional Conventions in the Czech Republic. *East European Politics and Societies*. <https://doi.org/10.1177/0888325422114472>.
- HENDRYCH, Dušan (1997). Čl. 62. In *Ústava České republiky: komentář*, Komentované zákony, Praha: Beck.
- HERC, Tomáš (2015). Čl. 62. In *Ústava České republiky: Ústavní zákon o bezpečnosti České republiky : komentář*, Komentáře Wolters Kluwer. Kodex, Praha: Wolters Kluwer.
- HLOUŠEK, Vít (2014). Is the Czech Republic on Its Way to Semi-Presidentialism? *Baltic journal of law & politics*. Vol. 7, no. 2, pp. 95–118. <https://doi.org/10.1515/bjlp-2015-0004>.
- HOLLÄNDER, Pavel (2009). *Základy všeobecné státovědy*. Plzeň: Nakladatelství a vydavatelství Aleš Čeněk.
- HUNTER, Richard J.; SHANNON, John H.; LOZADA, Hector R. (2022). The «Big Five» Decisions of the United States Supreme Court from June 2022: Ten Days of Consequences for the United States Supreme Court and the American People. *Global Journal of Politics and Law Research*. Vol. 10, no. 4, pp. 14–39.
- HUNTINGTON, Samuel P (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- CHARVÁT, Jakub (2013). Analýza procesu zavádění přímé volby prezidenta v ČR. *European Electoral Studies*. Vol. 8, no. 2, pp. 146-159.
- ISHYAMA, John T.; VELTEN, Matthew (1998). Presidential Power and Democratic Development in Post-Communist Politics. *Communist and post-communist studies*. Vol. 31, no. 3, pp. 217–33.
- iDnes.cz* (2000). Havel nechce Grégra ve vládě. 2000. 10. 2. 2000 [cit. 2023-04-10]. Dostupné z WWW: <https://www.idnes.cz/zpravy/domaci/havel-nechce-gregra-ve-vlade.A000210083009domaci_itu>.
- iRozhlas* (2018). Prezident Zeman nikdy nejmenuje Pocheho ministrem, reagoval Ovčáček na twitteru. 16. 6. 2018 [cit. 2023-04-10]. Dostupné z WWW: <https://www.irozhlas.cz/zpravy-domov/miroslav-poche-milos-zeman-vlada-andrej-babis-jan-hamacek_1806161840_ako>.
- iRozhlas* (2019). Zeman nejmenuje Šmardu ministrem kultury. Požádal Hamáčka o jiného kandidáta. 14. 8. 2019 [cit. 2023-04-10]. Dostupné z WWW: <https://www.irozhlas.cz/zpravy-domov/prezident-milos-zeman-michal-smarda-ministr-kultury-cssd_1908141536_per>.
- JENNINGS, Sirlvor (1959). Cabinet Government. *The American political science review*. Vol. 53, no.3, pp. 863–890.
- KÁČER, Marek (2022). Shaping the appointment powers of the Slovak president under constitutional conventions. *Acta Politologica*. Vol. 14, no. 1, pp. 1–16. https://doi.org/10.14712/1803-8220/26_2021.
- KARL, Terry Lynn; SCHMITTER, Philippe C. (1991). Modes of Transition in Latin America, Southern and Eastern Europe. *International social science journal*. Vol. 43, no. 2.
- KINDLOVÁ, Miluše (2008). Ústavní zvyklosti jako součást ústavy (komparace common-

- wealthského přístupu a judikatury Ústavního soudu ČR). In *Pocta Jánů Gronskeému*, Plzeň: Vydavatelství a nakladatelství Aleš Čeněk.
- KLIMEK, Antonín (1996). *Boj o hrad*. Panevropa.
- KOUDELKA, Zdeněk (2018). *Prezident republiky*. 2. aktualizované a doplněné vydání. Praha: Leges.
- KOUDELKA, Zdeněk (2019). Prezident nemusí jmenovat ministra. *Česká justice*. Dostupné z WWW: <<https://www.ceska-justice.cz/blog/prezident-nemusi-jmenovat-ministra/>>.
- KOPEČEK, Lubomír (2010). *Éra nevinosti: česká politika 1989-1997*. Brno: Barrister & Principal.
- KOPEČEK, Lubomír (2015). *Deformace demokracie?: opoziční smlouva a česká politika v letech 1998-2002*. Brno: Barrister & Principal.
- KOPEČEK, Lubomír (2022). *Hodný, zlý a ošklivý? Havel, Klaus, Zeman: Paralelní životopisy*. Brno: Books & Pipes.
- KUBÁT, Michal (2013). *Současná česká politika: co s neefektivním režimem?* Prague: Barrister & Principal.
- KUZIO, Taras (2005). From Kuchma to Yushchenko Ukraine's 2004 Presidential Elections and the Orange Revolution. *Problems of post-communism*. Vol. 52, no. 2, pp. 29–44.
- KYSELA, Jan (2006). Česká republika mezi poloprezidentským a parlamentním režimem?. *Politologická revue*. Vol. 12, no. 1, pp. 5-28.
- KYSELA, Jan (2008). Prezident republiky v ústavním systému ČR – perspektiva ústavněprávní. In *Postavení hlavy státu v parlamentních a poloprezidentských režimech - Česká republika v komparativní perspektivě*. Praha: Dokořán.
- KYSELA, Jan (2019). *Dělbá moci v kontextu věčného hledání dobré vlády*. Praha: Leges.
- LINEK, Lukáš et al. (2007). *Volby do Evropského parlamentu 2004*. Praha: Sociologický ústav AV ČR.
- LINZ, Juan J. (1990). The Perils of Presidentialism. *Journal of democracy*. Vol. 1, no. 1, pp. 51–69.
- MATTHES, Jörg; KOHRING, Matthias (2008). The Content Analysis of Media Frames: Toward Improving Reliability and Validity. *Journal of communication*. Vol. 58, no. 2, pp. 258–79. <https://doi.org/10.1111/j.1460-2466.2008.00384.x>.
- METCALF, Lee Kendal (2000). Measuring Presidential Power. *Comparative political studies*. Vol. 33, no.5, pp. 660–685.
- MLEJNEK, Josef (2014). Prezidenti a magie charismatického panství. In KUBÁT, Michal; LEBEDA, Tomáš (a kol.). *O komparativní politologii a současné české politice*. Miroslavu Novákovi k 60. pp. 37-43.
- MOLEK, Pavel (2010). Čl. 68. In *Ústava České republiky: komentář*, Praha: Linde, 842.
- MUNCK, Gerardo L.; LEFF, Carol (1997). Modes of Transition and Democratization: South America and Eastern Europe in Comparative Perspective. *Comparative politics*. Vol. 29, no. 3, pp. 343–62.
- NAVARRETE, Rosa M.; CASTILLO-ORTIZ, Pablo Castillo (2020). Constitutional Courts and Citizens' Perceptions of Judicial Systems in Europe. *Comparative European politics*. Vol. 18, no. 2, pp. 128–50. <https://doi.org/10.1057/s41295-019-00154-9>.
- NOVÁK, Miroslav; BRUNCLÍK, Miloš (2008). *Postavení hlavy státu v parlamentních a poloprezidentských režimech: Česká republika v komparativní perspektivě*. Praha: Dokořán.
- Novinky.cz (2005). Klaus odmítl jmenovat Ratha ministrem. 20. 10. 2005 [cit. 2023-04-10]. Dostupné z WWW: <<https://www.novinky.cz/clanek/domaci-klaus-odmitl-jmenovat->

- ratha-ministrem-40107500>.
- NEWMAN, Gerald L. (2004). The Uses of International Law in Constitutional Interpretation. *American Journal of International Law*. Vol. 98, no. 1, pp. 82–90. <https://doi.org/10.2307/3139258>.
- PAVLÍČEK, Václav (1998). Čl. 62. In *Ústava a ústavní řád České republiky: komentář. Díl 1, Ústavní systém, Zákony - komentáře*, Praha: Linde.
- PAVLÍČEK, Václav (2008). 'Prerogativy nebo správní akty prezidenta republiky?' In ŠIMÍČEK, Vojtěch (ed.). *Postavení prezidenta v ústavním systému České republiky*. Brno: Mezinárodní politologický ústav, pp. 129–48.
- PETROVA, Tsveta; POSPIESZNA, Paulina (2021). Democracy Promotion in Times of Autocratization: The Case of Poland, 1989-2019. *Post-Soviet affairs*. Vol. 37, no. 6, pp. 526–43. <https://doi.org/10.1080/1060586X.2021.1975443>.
- PITHART, Petr (2014). Úvaha o prezidentech na hradě českých králů. Dvě dispozice: k pasivitě v podhradí a k vůdcovství na Hradě. *Politologická revue*. Vol. 20, no. 2, pp. 5-18.
- PÓCZA, Kálmán (2019). *Constitutional Politics and the Judiciary: Decision-Making in Central and Eastern Europe*. London: Routledge.
- POGANY, Istvan (1993). Constitutional Reform in Central and Eastern Europe: Hungary's Transition to Democracy. *The International and comparative law quarterly*. Vol. 42, no. 2, pp. 332–55.
- PYTLAS, Bartek (2021). Party Organisation of PiS in Poland: Between Electoral Rhetoric and Absolutist Practice. *Politics and Governance*. Vol. 9, no. 4, pp. 340–53. <https://doi.org/10.17645/pag.v9i4.4479>.
- ROSSI, Michael (2020). Slovakia after Fico: Systemic Change or More of the Same? *Politologický časopis*. Vol. 27, no. 3, pp. 235–58. <https://doi.org/10.5817/PC2020-3-235>.
- RYCHETSKÝ, Pavel (2015). Čl. 68. In *Ústava České republiky: Ústavní zákon o bezpečnosti České republiky: komentář*, Komentáře Wolters Kluwer. Kodex, Praha: Wolters Kluwer, 688.
- SADURSKI, Wojciech (2019). *Poland's Constitutional Breakdown*. Oxford: Oxford University Press.
- SARTORI, Giovanni (1991). Comparing and Miscomparing. *Journal of theoretical politics*. Vol. 3, no. 3, pp. 243–57. <https://doi.org/10.1177/0951692891003003001>.
- SARTORI, Giovanni (1994). Semi-Presidentialism. In *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*, International Economic Association Series. London: Palgrave Macmillan UK, 121–40.
- ŠEDO, Jakub; BRŠŤÁKOVÁ, Pavlína (2009). Pozice rumunského prezidenta v ústavě a v praxi po roce 1989. *Politologická revue*. Vol. 15, no. 2, pp. 23–47.
- ŠEDO, Jakub; MUSILOVÁ, Markéta (2013). Diskuse o zavedení přímé volby prezidenta v České republice a její schválení. In ŠEDO, Jakub (a kol.). *České prezidentské volby v roce 2013*. Brno: Centrum pro studium demokracie a kultury.
- SHEERAN, Scott (2013). *Routledge Handbook of International Human Rights Law*. London: Taylor & Francis.
- SHUGART, Matthew (1992). *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge: Cambridge University Press.
- Spor o kontrasignaci rozhodnutí prezidenta republiky o jmenování guvernéra a viceguvernéra ČNB - - Pl.ÚS 14/01 Ze Dne 20. 6. 2001. 2001.*
- STROM, Kaare; MÜLLER, Wolfgang C., BERGMAN, Torbjörn, and European Consortium for Political Research (2008). *Cabinets and Coalition Bargaining: The Democratic Life Cycle*

- in Western Europe*. Oxford: Oxford University Press.
- SZENTE, Zoltán (2021). The Twilight of Parliament – Parliamentary Law and Practice in Hungary in Populist Times. *International Journal of Parliamentary Studies*. Vol. 1, no. 1, pp. 127–45.
- SZWED, Marcin (2022). The Polish Constitutional Tribunal Crisis from the Perspective of the European Convention on Human Rights. *European Constitutional Law Review*. Vol. 18, no. 1, pp. 132–54. <https://doi.org/10.1017/S1574019622000050>.
- ŠIPULOVÁ, Katarína; SMEKAL, Hubert (2021). Between Human Rights and Transitional Justice: The Dilemma of Constitutional Courts in Post-Communist Central Europe. *Europe-Asia Studies*. Vol. 73, no. 1, pp. 101–30. <https://doi.org/10.1080/09668136.2020.1841739>.
- TAVITS, Margit (2009). Direct Presidential Elections and Turnout in Parliamentary Contests. *Political Research Quarterly*. Vol. 62, no. 1, pp. 42–54.
- TAYLOR, Greg (2014). Convention by Consensus: Constitutional Conventions in Germany. *International journal of constitutional law*. Vol. 12, no. 2, pp. 303–29. <https://doi.org/10.1093/icon/mou027>.
- VYHNÁNEK, Ladislav (2016). Čl. 54 [Postavení prezidenta republiky]. In *Ústava České republiky: Komentář*, Beckova edice komentované zákony, Praha: C.H. Beck.
- WINTR, Jan. 2020. *Principy českého ústavního práva*. 5. vyd. Plzeň: Aleš Čeněk.
- WINTR, Jan; ANTOŠ, Marek Antoš; KYSELA, Jan (2016). Direct Election of the President and Its Constitutional and Political Consequences. *Acta Politologica*. Vol. 8, no. 2, pp. 145–63.