

# The legal and political conditions of opposition parties in Central and Eastern Europe. An overview

edited by  
Serena Baldin  
Angela Di Gregorio



This volume focuses on the status, functions, and role of the political opposition in the frame of government of some Central and Eastern European countries. The rules and practices reinforcing the democratic decision-making process, or the ones that risk to jeopardise political pluralism by denying the opposition's rights, are key aspects to measure the quality level of a democratic Parliament. As these are issues at the core of constitutional democracies, a number of guarantees for the opposition should be provided directly in constitutions, parliamentary rules of procedure, or other sources of law. The essays included in this volume make legal scholars and political scientists reflect on the importance of status and role of political and parliamentary opposition to better understand the dynamics affecting transition to democracy, democratic consolidation and the guarantees for pluralism, both considering the good results and the democratic backslidings occurred in some countries of this geographical area.

The volume is one of the outcomes of the research activities carried out within the project “El Estatus jurídico-político de la oposición política en las Democracias representativas”, PI prof. Manuel Fondevila Marón - University of Lleida, funded by the Ministerio de ciencia e innovación of Spain (PID2020-117154GA-I00; MCIN/AEI/10.13039/501100011033), and within the project “The legal status of political opposition in the Western Balkans: a comparative analysis”, PI prof. Serena Baldin, funded by the University of Trieste.

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# Governments and oppositions in the Parliaments of Central and Eastern European democracies

GIUSEPPE IERACTI\*

## 1. INTRODUCTION

Following the seminal works by Duverger (1980; 1986)<sup>1</sup>, contemporary political science has accepted the formal and legal analysis of political institutions, and the reduction of the triangular relationships among parliament, president and government to three ideal-types of parliamentary, presidential, and semi-presidential. For instance, Linz (1994) distinguished parliamentarism from presidentialism, pointing out that the latter is based on a «double democratic legitimacy» directed towards the parliament and the elective presidency at the same time. Similarly, Lijphart (1999) underlined that in a parliamentary system, the prime minister and the cabinet depend on the legislature's confidence, while in presidential systems the presidents are popularly elected. In the parliamentary systems the executives are collegial bodies, while in the presidential ones they exhibit «one-person» and non-collegial traits. Lijphart

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<sup>1</sup> For a reappraisal of Duverger's concept of semipresidentialism, see Bahro, Bayerlein and Veser (1998).

combined these dichotomous criteria yielding eight possible models, only two of which are pure (parliamentarism and presidentialism) while the remaining six are hybrids derived from the two pure models<sup>2</sup>. Stepan and Skach (1994) distinguished also among «pure presidentialism», based on «mutual independence» between parliament and the head of the executive, and «pure parliamentarism», which is a system of «mutual dependence» between the executive and a parliamentary majority. In pure parliamentarian system the Head of the State may hold the power to dissolve the parliament and to call new elections. Sartori recognised the difficulty to identify parliamentary systems, because they can hardly be reduced into an homogenous class while in presidential systems the Head of the State (the President) gets the position through popular election, cannot be removed by the parliament during his mandate and directs the government or the governments nominated by himself (Sartori 1994a).

In a very influential work, Shugart and Carey (1992), who fully developed the approach based on the “index of presidential power” already sketched by Duverger (1980), classified as presidential government any system based on the direct election of the head of the executive, to whom some legislative powers are constitutionally guaranteed. In the presidential government, the mandates of the head of the executive and of the legislature have fixed durations, they are constitutionally separated, and the nomination and the direction of the government are entirely in the hands of the elective head of the executive. Nonetheless, in any presidential model the cabinet is the “President’s executive” by definition, and consequently using the separation of the survival of the cabinet from the assembly as a criterion to identify the presidential system is merely tautological. Shugart and Carey simply sketched the crucial dimension of the relation between president and assembly, and took into consideration mainly the president’s legislative veto power omitting to evaluate the complete array of constitutionally guaranteed powers which the president may employ in his relation with the legislature<sup>3</sup>. Finally, it has to be noted that the French V Republic and the Weimar Republic, both characterized by a strong popularly elective presidency, are very different from the homologous semi-presidential regimes of Finland, Ireland,

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<sup>2</sup> Vatter (1999) applied Lijphart’s classification to the analysis of the relationship between political institutions and direct democracy in the OECD countries.

<sup>3</sup> These properties of the presidential system have been tackled somewhere else. See Mainwaring e Shugart (1997). For a critical review of Shugart and Carey’s classification, see Sartori (1994b).

Austria and Portugal, or from the newly established regimes in Central and Eastern Europe, and therefore it is possible to identify more regime types in a single class<sup>4</sup>.

Duverger (1980: 161) underlined that in semi-presidential regimes the president (elected by popular vote) possesses considerable powers. All the definitions above reviewed underlined the particular configuration of pure presidentialism, that is the notable reciprocal autonomy of parliament and executive. On the contrary, the pure parliamentary type exhibits a considerable degree of mutual dependency (or integration) between parliament and executive. These definitions introduce some ambiguities. Firstly, there are some parliamentary democracies where the Prime Minister occupies a dominant role in the cabinet and in the legislature, and where he/she acts almost as an elective president. Secondly, among the semipresidential case, both strong (French V Republic and Republic of Weimar) and weak presidencies (Finland, Ireland, Austria and Portugal) can be found. Thirdly, even among the presidential systems, there are cases of weak and strong directly elected presidents, and one is left with the suspicion that the popular direct election might be not an exhaustive criterion for the identification of all the presidential types.

Both in the case of presidentialism and of parliamentarism the powers at the disposal of the executive and of the legislative can greatly vary. These non-homogeneous distributions of «constitutionally guaranteed powers» (Shugart and Carey 1992) – or «considerable powers» (Duverger 1980) – point out the relevance of the relationships between the institutional roles, and the need for an analysis of the procedural resources held by the institutional roles in their interplay. Such powers should be identified, consistently attributed to president (A), parliament (B), and government (C), and measured keeping in mind the analytic distinction among three relatively autonomous dimensions: president-parliament (A-B); parliament-government (B-C); and presi-

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<sup>4</sup> *Contra* see Elgie (1999; 1998; 1997) who does not consider it necessary to disaggregate into different types the original class of semi-presidential regimes. Elgie (1998) classifies democratic regimes resorting to two criteria, the type of election of the head of state and of the head of government, either direct or indirect, and their term in office, either fixed or flexible. On these bases, Elgie identifies parliamentary, semi-presidential and presidential regimes, with the addition of the unique cases: the Swiss directorate and the regime based on the direct election of the premier adopted in Israel during 1996-2001, following the 1992 reform of the Fundamental law.

dent-government (A-C), in a *morphological-relational* approach such the one sketched below in Fig. 1.

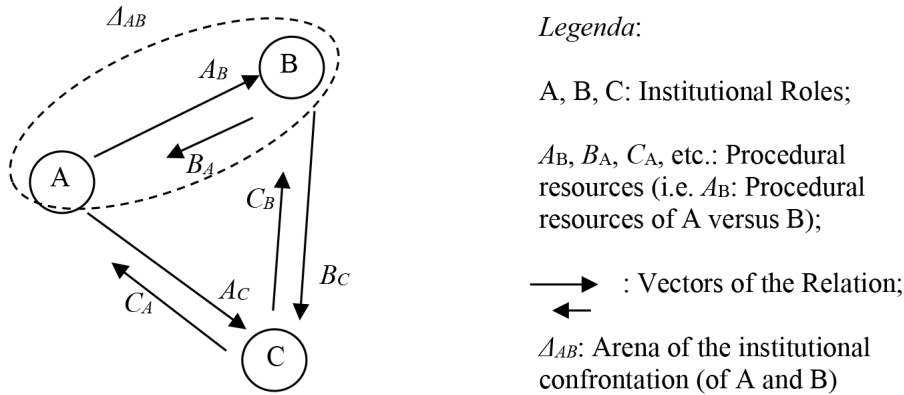


Fig. 1 - A Morphological and Relational Approach to the Assessment of the Strength of the Institutional Roles (Source Ieraci 2021: 418).

Following a different perspective (Ieraci 2003; 2021: 417-425), which enlightened the interplay in the democratic constitutional setting among institutional roles of authority<sup>5</sup>, procedural resources attributed to such roles<sup>6</sup>, and arenas of the institutional confrontation<sup>7</sup>, it is possible to identify (see Tab. 1) four dominant varieties of institutional patterns among the Eastern European Democracies.

<sup>5</sup> The roles of authority located in the democratic regime are attributed to specific actors, who emerge from the political competition. The classifications are founded on the implicit distinction between «collegial roles of authority», such as Parliament (P) and Government (G), and «individual roles of authority», such as Head of State (HS) and Head of the Government (HG).

<sup>6</sup> In any institutional setting, the power to take various courses of action and counteraction is provided by constitutional attributions and/or de facto powers, which the incumbents may exploit in their interactions. These constitutional attributions and/or de facto powers are procedural and their control is in itself a source of power and influence.

<sup>7</sup> The complex networks of relations generate specific institutional arenas where the incumbents of the roles face each other using the resources and the formal capacities at their disposal. In the arenas of confrontation, the powers (i.e. procedural resources) attached to each role can be conceived as vectors and can be measured as such.

Patterns	Varieties		Cases
<i>Dyadic integrated</i>	Parliamentarian	Monocratic executives	<b>Czech Republic</b>
			<b>Estonia</b>
		Apparent dual executives (Parliamentarian-monocratic <i>de facto</i> )	<b>Latvia</b>
			<b>Slovakia</b>
	Premiership	Monocratic executives	<b>Hungary</b>
		Apparent dual executives (Premiership-monocratic <i>de facto</i> )	No cases
<i>Dyadic separate</i>	Presidential		No cases
	Parliamentarian with president		No cases
<i>Triadic integrated</i>	Semi-parliamentarian		<b>Poland</b> <b>Bulgaria</b> <b>Lithuania</b> <b>Croatia (2000)</b>
	Semi-presidential		<b>Russian Federation</b> <b>Romania</b> <b>Croatia (1990)</b>
<i>Triadic separate</i>	Directorate		No cases

Tab.1 - Varieties of Institutional Patterns in some Eastern European Democracies  
(Source: Ieraci 2021: 427).

Parliamentarian systems with monocratic executives (Czech Republic, Estonia, Latvia and Hungary) belong to the dyadic integrated patterns, in which the survival of the government and parliament are interlocked, as suggested by Shugart and Carey (1992), while there is no Head of State, or it is a figure-head with ceremonial functions which occupies a marginal position in the institutional circuit (as in the Czech Republic). This classification poses the case of Hungary under Orbán's rule in the 2020's, during which the role of the Prime Minister has been *de facto* strengthened and has become dominant.

The case of Hungary nowadays is not easy to deal with from a neutral and scientific point of view if it is true that «The procedures that were originally

designed to limit executive power survive, but only as a joke, and nearly all the country's decision makers belong to the prime minister's personal clientelist network» (Krekó and Enyedi 2018: 39). The victories of Orbán's Fidesz party in 2018 (50 per cent of the vote and 133 seats out of 199) and in 2022 (54 per cent of the vote and 135 seats) fostered the extension of his personal power and patronage network. The very large parliamentary majority has granted Orbán several constitutional changes in the civil sphere and in relations with the Constitutional Court, but never in the sphere of parliament-government relations. The strengthening of the Hungarian executive was possible due to the transformation of the party system into a dominant party system (i.e. dominated by Fidesz). In such cases, as Schumpeter (1954) already warned decades ago, any democracy risks sliding dangerously towards a camouflaged form of semi-autocracy. The requirement of a constructive vote of no confidence for the legislative removal of the government in Hungary (Lento and Hazan 2022) strengthens the position of the Hungarian prime minister and his cabinet, so that the Hungarian model can be ascribed to the class of premierships (see Tab. 1).

Slovenia and Slovakia are two cases of apparent dual executives (Parliamentarian-monocratic *de facto*). They are cases of apparent triadic integrated patterns, where the third role of authority, i.e. the popularly elected Heads of State of Slovenia and Slovakia, fulfils only ceremonial functions and have no effectiveness in the institutional and decision-making circuit. This is why Slovenia and Slovakia are cases of apparent dual executives and parliamentarian-monocratic *de facto*. In these apparent dual executives, the powers of the legislature overwhelm or at least balance those of the cabinet, which very often is forced to compromise with the opposition parties over the legislative decision-making.

Finally, Poland, Bulgaria, Croatia, Lithuania, Russian Federation, and Romania are cases of triadic integrated pattern, in which the survival of government and parliament is connected but there is a third relevant role of authority, such as a popularly elected Head of State in an effectively dual structure of the executive (the Head of State is not a mere figure head or ceremonial role). The weight of the elective Head of State (the President) may vary a real lot among the cases and according to the effective distribution of procedural resource among the roles. This is why the omni-comprehensive class of semi-presidential government (Duverger 1980) seems inadequate to grasp the actual distribution of cases.

A difference can be traced between those types featuring relevant executive and legislative powers (semi-presidential systems) or limited executive

and legislative powers (semi-parliamentarian systems). The distinction between semi-parliamentarian and semi-presidential systems is designed to include this variety of cases. For instance, the French V Republic and the Weimar Republic, both characterized by a strong popularly elective presidency, are very different from the homologous semi-presidential regimes of Finland and Portugal, while Ireland and Austria, among others, are only apparent dual executives (Ieraci 2021: 428)<sup>8</sup>. Poland, Bulgaria, and Croatia (according to the 2000 reform) incline towards the semi-parliamentarian variety (with a relatively weak directly elected President), while Croatia (after the independence declaration in 1990), Russian Federation, and Romania are semi-presidential system either very much shaped on the French model (Romania) or with a dominant President (Russia) whose power reduce the Prime minister to an ancillary role. Similarly, to Hungary, Russia is a controversial case because of the concern about its democratic character under V. Putin's rule. Nonetheless, if one applied a formal analysis to the power distribution in the Russian institutional design according to the 1993 Constitution and its subsequent amendments, one would conclude that Russia could be labelled as a "superpresidentialism" with a maximum extension of the presidential powers *vis-à-vis* the legislature (Troxel 2003).

The procedural resources attached to the institutional roles should be evaluated and measured according to the specific contexts or relational dimension of application (i.e. Parliament-Government, Parliament-President, President-Government), rather than jumbled together as in most Indexes of Presidential Powers (IPP) so often used in literature (a complete and critical review of the IPP is offered by Zulianello 2011). The IPP are normally based on the original intuition of Duverger (1978; 1980) that the presidential powers could be counted and subsequently weighted to compare regimes with an elective President. The methodologies normally applied consist of checklists of constitutional powers which are weighed and summed to determine a score or index. These methodologies suffer two major pitfalls. Firstly, they are not analytical and do not take into consideration the underlying dimensions of the presidential powers listed. They are summations of powers in single cumulative scores, which do not discriminate between the rela-

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<sup>8</sup> Similarly, Siaroff (2003, 307-308) distinguished among «parliamentary systems with presidential dominance» (France V Republic, Russia), «parliamentary systems with a presidential corrective» (Weimar Republic, Poland), and «parliamentary systems with figure-head presidents» (Austria, Iceland, Slovenia, Finland since 2000). Nonetheless, the latter type identifies cases which are here considered as «apparent dual executives» (see Tab. 1), and therefore they are not included in the semi-presidential varieties.

tional dimension of the listed powers, i.e. either the President-Parliament, the President-Government, or the Government-Parliament. Consequently, presidents placed in different institutional settings may hence score equal although it does make a difference whether they derive their strength from powers concerning their relationship with the legislature or with the government. Secondly, the scores attributed to the constitutional powers change, some authors assigning equal scores to each power and others ranking them according to their assumed relevance (Ieraci 2021: 416).

The complex networks of relations among the institutional roles (parliament, government and president at least) generate specific arenas of the institutional confrontation where the incumbents of the roles face each other using the resources and the formal capacities at their disposal. In the arenas of confrontation, the powers (i.e. procedural resources) attached to each role can be conceived as vectors and can be measured as such. Among the arenas of confrontations, the centrality of the parliamentary arena is a distinctive feature of most democratic regimes. The most outstanding contrast is to be found between parliamentary arenas dominated by the executive and – opposite to them – parliamentary arenas in which the executive does not control the management of the parliament business (Blondel 1973). Secondly, there is the question to which extent the fusion of powers really takes places, which is the question of the degree of integration between executive and legislature or – in the terms of Shugart and Carey (1992) here adopted – the interlocked survival of parliament and government. This type of investigation hence requires an accurate study of the configuration of the parliamentary arena. Once again, we can distinguish those parliamentary arenas in which the executive is a very special committee chosen by the parliament to direct its work, as Walter Bagehot (1963) posed it over a century ago with regard to the “English constitution”, from those parliamentary arenas in which the government does not lead the working of the legislatures and it is basically a peer of the parliamentary parties with no attribution of any special status.

In the following sections, the analysis will focus on the dislocation of resources and opportunities into the parliamentary arenas of some Central Eastern European democracies. It will be argued that the capacity of government and opposition to be influential depends to a considerable extent on the procedural constraints, which are operating in each parliamentary arena, and on the variable structures of the legislatures. From this perspective, an attempt is made to present a typology of the parliamentary arenas and of the correlated government-opposition relations. The problem of the status of the opposition in democratic regimes will be therefore tackled exclusively as



the problem of the opposition into the parliamentary arena (as, for example, in King 1976 or in Beyme 1987) rather than as a basic feature of the democratic polity (Dahl 1966).

## 2. PARLIAMENTARY ARENAS AND GOVERNMENT-OPPOSITION RELATIONS. A FRAMEWORK FOR ANALYSIS

The main argument can be summarised as follows. The impact of the procedural constraints in the working of legislatures has been generally neglected. Nonetheless procedural constraints are able to generate opportunity structures and may enhance the weight of parliamentary parties in the overall party organisations, on one hand, and increase the government capacity in the parliamentary arena *vis-à-vis* the opposition, on the other hand. Moreover, the legislature structure may facilitate the centralisation of the legislative process, acting as a further causal factor in the identification of the parties with the roles of government and opposition. It will be referred to this identification as the process of institutionalisation of the government-opposition relation. As a consequence of the variable arrangements of procedural constraints and legislature structures, there are cases in which the government dominates the legislature and cases in which it undergoes major parliamentary control.

The parliament-government relationship becomes obviously crucial both in the dyadic and triadic integrated patterns (see above Tab. 1), in which parliament and government survive reciprocally in an integrated arena, and where their interplay takes the form of the majority-opposition relation. Leaving aside the details (for reference, see Ieraci 2000: 172-191), normally in such a relation the opposition exploits the opportunities offered by parliamentary rules and procedure in its attempts to hinder the executive's activities and gaining prestige and influence in the arena and over the public opinion. Democracy is indeed a permanent electoral campaign and any parliamentary party will try through the activity of its MPs to gain potential electoral support. Individual MPs, for their part, are driven to nurture the action of their parliamentary groups, because they have a vested interest in gaining prestige and climbing the party hierarchy, and presenting themselves to the electorate as pro-active MPs. Essentially these attempts to interfere with the government's activities will follow two tactics which, although closely intertwined in practice, are distinguishable for analytical purposes and presented in Tab. 2. They are the overloading of the legislative process, and/or the wasting of legislative time, which lead to the identification of four opposition tactics to hinder the government action:

- a. introducing private bills and petitions;
- b. amending the government bills;
- c. asking questions to the government in the allotted time;
- d. filibustering.

		Legislative Time Wasting	
		To hinder the Government's activities	To foster the MP's position <i>vis-à-vis</i> the party or/and the parliament
Legislative Process Overloading	To hinder the Government's activities	Introduction of amendments	Questions required to the government
	To foster the MP's position <i>vis-à-vis</i> the party or/and the parliament	Filibustering	Legislative initiative (Private Member bills and Petitions)

Tab. 2 - Opposition tactics to hinder the government action  
(Source: adaptation from Ieraci 2000).

Historically, in contemporary democracies and parliamentary arenas, these challenges certainly have not left the governments indifferent, and they pursued with remarkable consistency and success the objective of clearing, as far as possible, the path of their legislative initiatives from the obstacles posed by opposition, at a time when the volume of government business has constantly grown out of all proportion. For instance, if one took the case of the British House of Commons from 1837 onwards (i.e. just five years after the first enlargement of the suffrage), as an ideal-typical case (Ieraci 2000), one would discover a complex but straightforward process of transformation of the parliamentary arena and of its Standing Orders aiming at reducing substantially the guaranteed rights of the individual representative, on the one hand, and greatly strengthening the position of the executives, on the other.

Through the reformed parliamentary model of decision making, the English system evolved into a «Parliamentary State» (Judge 1993). The British cabinets of the 19th century were involved in a permanent struggle with the Private Members over the control of the time of the House. Through the extension of control over time, the government was essentially trying to gain further control over the legislative process and consequently to enlarge its management capac-

ities. The main concern of the government was to clear the way to its policies and to offer a more effective management of the growing governmental business. The response of the governments was an attempt to reform the practice of the House by Standing Orders<sup>9</sup>. At the peak of this development, which is reached in the early post-World War II years, the British government's capacity in the parliamentary arena grew to such an extent that Sir Ivor Jennings wrote: «Dictatorship could be introduced into the British constitutional system by a Government with a loyal majority in both houses, without any technical difficulty whatever. All this is, however, essentially theoretical» (1961: 60).

Table 3 summarize the results of the remodelling imposed on the British House of Commons, highlighting ten procedural resources/opportunities, devised to counter opposition tactics, that would allow the executives to firmly control the parliamentary arena as early as the end of the 19<sup>th</sup> century and into the 20<sup>th</sup> century.

	Opposition tactics	Resources of the government
<i>Legislative process overloading:</i>	a) Through legislative initiative (Private Member bills and Petitions)	1) Reserved policy areas (expenditure) 2) Time restrictions on Private Members business 3) Government business priority
	b) Through introduction of amendments	4) Closure 5) Selection of amendments
<i>Legislative time wasting:</i>	c) Through questions required to the government	6) Restrictions on question time 7) Restrictions on 'Dilatory motions'
	d) Through filibustering	8) Guillotine 9) Restrictions on speech time 10) Control over sitting time

Tab. 3 - Opposition tactics to hinder the government action and related resources of the government in the parliamentary arenas (Source: Ieraci 2000: 180).

<sup>9</sup> In the years from the first Reform Act to the immediate aftermath of World War II there were thirteen committees on procedure in the years 1837, 1848, 1854, 1861, 1869, 1871, 1878, 1886, 1890, 1906, 1913, 1932, and 1945-46 (Campion 1947: 39).

## 2.1 LESSONS FROM THE BRITISH CASE

The process of reform of the English parliamentary arena in the 19th century led to «the identification of parties with both government and opposition, interchangeably» Clark (1980: 324). How did this identification develop? The drastic shift of procedural resources from the MPs to the government (see Tab. 2) produced an «erosion of individual parliamentary right» (Cox 1987: 46). The Private Members lost any direct capacity to influencing the legislative process and the reaction of the parliamentary parties to such a hostile environment was the growing of voting cohesion (Fair 1986). This dynamic in the English case has ultimately established the primacy of government over parliament unequivocally.

Already at the beginning of the 20th century, therefore, British executives had achieved a very high level of capacity to protect their policies – by which is meant the likelihood that government projects pass through the stages of the legislative process unamended, or at least amended only relatively marginally or to the government's liking. The procedural resources made available to the government to limit the intrusion of the opposition into its affairs (see Tab. 3) are so extensive that they effectively counteract any opposition tactics, so that the likelihood of success of government-originated legislative projects has been greatly increased.

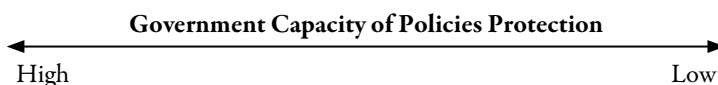
However, there is another distinctive point about the British case that is essential to recall. The procedural reforms in the House of Commons during the 19th century alone would not have produced the transformations of the parliamentary arena that we have described if at the same time the House of Commons had not acquired a position of undisputed centrality within the British institutional configuration (Bagehot 1963). Beginning with the Reform Act of 1832, in fact, the British legislative system was rapidly transforming in an essentially unicameral sense, following the decline of the powers of the House of Lords. The transformation of the British legislature in a unicameral sense – or, if you prefer, towards a highly asymmetrical bicameralism – favoured the exercise of control by the parliamentary party organisations over the legislative process. The centrality of the House of Commons was also favoured by a relatively weak committee system, that operates was strongly penetrated by the parliamentary party organisations. We can refer to this set of institutional dynamics as a process of centralisation of the legislative process.

### 3. PARLIAMENTARY ARENAS OF CENTRAL AND EASTERN EUROPEAN DEMOCRACIES

#### 3.1 THE GOVERNMENT'S CAPACITY TO PROTECT ITS POLICIES

If we turn to a comparison of the British case with some cases of Central Eastern European democracies based on integrated government-parliament (either dyadic or triadic) relations and/or apparent dual executives, however, the picture becomes considerably more complicated (see Tab. 4). To what extent are the ten resources/opportunities on which the British executive can rely to counter the opposition and dominate the parliamentary arena to be found elsewhere?

Resources of the government <sup>a</sup>	GB	HUN	SLV	RCE	SLO	ITAb
1.	1	0	0	0	0	0
2.	1	1	1	1	0	0
3.	1	1	0	0	0	0
4.	1	1	1	0	0	0
5.	1	1	0	0	0	0
6.	1	1	1	1	0	1
7.	1	1	0	0	0	0
8.	1	1	1	0	0	0
9.	1	1	1	0	1	0
10.	1	1	0	0	0	0
Scores	<b>10</b>	<b>9</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>



*Legenda:* GB = Great Britain; HUN = Hungary; ITAb = Italy; RCE = Czech Republic; SLO = Slovenia; SLV = Slovakia.

1 = presence of the resource; 0 = absence of the resource.

<sup>a</sup> See tab. 3 for the nomenclature.

<sup>b</sup> According to 1971 Standing orders.

Tab. 4 - Resources of the government in the parliamentary arenas. A comparative sketch Sources: adaptation from Ieraci (2000: 197-198; 2003; 2010).

In Tab. 4, the case of Great Britain and Italy (according to 1971 parliamentary standing orders) are shown as respectively upper and lower benchmarks. As already pointed out, in the British case we find a cabinet that firmly control the parliamentary arena and is able to effectively counter the opposition. The British governments can count on reserved areas of policy, particularly those related to budgetary expenditure; they take advantage of the priority given to their legislative measures, while the space given to non-governmental proposal is at the same time reduced; they can also dictate the timing of the legislative agenda and force the assembly to deliberate on the acts submitted for scrutiny and they display a high capacity to protect their policies, finally, to quote Walter Bagehot, in the British case «the cabinet is the efficient secret» of the system. At the opposite pole, we have the Italian case (under the 1971 parliamentary standing orders, and thus before its reform in 1997), where the government exhibits a low capacity of policy protection. The Italian governments in this phase (1948-1997) were very instable, clearly at the mercy of the assembly, and suffering its vetoes and conditioning, which is not surprising given the consensual character (Lijphart 1988) of the Italian democracy.

Thus, if we consider the two extreme poles of Great Britain and Italy (1948-1997), the case of Hungary strikes for its similarity with Great Britain. Originally in the case of Hungary, the National Assembly was governed by a Commission, consisting of the President, the Vice-President and the leaders of the parliamentary groups, but this consensual management of the legislative agenda has been recently shattered by the introduction of some amendments to the Hungarian fundamental law and above all by the dominant position acquired by Fidesz party. According to Kazai (2015), there was a drastic reduction of the adopted legislative proposals put forward by the opposition to only three out of 533 the 2010-2014 term. The proposals for amendments by the opposition were not much more successful either:

«The governing majority has systematically used amendments in a way to make the scrutiny of legislative proposals by the opposition extremely difficult, if not impossible. It has become common practice to change the original content of the bill in the course of the legislative process for strategic purposes. Very often the originally submitted legislative proposal did not show the real intentions of the cabinet. They let the opposition scrutinize and discuss the bill and then redrafted the legislative proposal either by inserting amendments aiming at the modification of absolutely unrelated acts or by completely rewriting the original bill» Kazai (2015).

The governing majority has been able to resort to special legislative procedures to speed up the approval of its bills and decrees. Urgent procedure

«simply accelerated the decision-making by shortening the applicable deadlines, the exceptional procedure placed the debate and work on the legislative proposal from the plenary to the committees, and the exceptional urgent procedure combined the techniques of the previous two. In the 2010-2014 term 134 bills were adopted in urgent procedure and 26 in exceptional urgent procedure» Kazai (2015). Cooperation with the opposition has been entirely dismissed and the average length of the parliamentary legislative procedure dropped to 34 days between 2010 and 2014.

We can further observe that Slovakia lies around the median of the continuum, that is denoting governments with a significant capacity of policy protection. Finally, the governments of Slovenia and the Czech Republic show a low capacity for policy protection. The Slovenian case is interesting, in that, according to parliamentary regulations, the National Assembly is led by its President and the Council of the Presidency, which consists of the leaders of parliamentary groups and representatives of national communities in addition to the President and Vice-President. It is a collegial body that sets the agenda of the Assembly and on which most of the decisions on the organisation of work and the adjudication of procedural disputes depend.

#### 4. CONCLUSION. A TYPOLOGY OF THE ARENAS OF PARLIAMENTARY CONFRONTATION

These observations suggest that we should delve further into the description of the arenas of parliamentary confrontation. The two salient dimensions that the analysis of the British case seems to reveal are: the executive's ability to protect its policies and the centralisation of the legislative process. Now, it is intuitive that a unicameral parliamentary structure, thus with a relatively high degree of centralisation of the legislative process, greatly facilitates the task of parliamentary party organisations, which have to control the conduct of MPs within their ranks. Conversely, a bicameral and/or considerably decentralised legislative structure favours the multiplication of opportunities for negotiation and the exercise of vetoes in the legislative process. Moreover, it should be added that in British mono-cameralism, the legislative process is further centralised due to the weakness of the committee system, so that all salient stages of the legislative process take place on the floor.

We can therefore concede that the government's ability to protect its policies may be generally reduced in those parliamentary arenas that are characterised by a high degree of decentralisation of the legislative process, as is the case where the parliamentary arena is effectively divided, and hence where there is a bicameral

set-up, and/or where there is a strong committee system capable of influencing the legislative process. The Westminster parliamentary model therefore exhibits a very high degree of centralisation of the legislative process, as unicameralism, or strongly asymmetrical bicameralism, is associated with a weak committee system. In the Westminster parliamentary arena, the centre of activity and of the legislative process is in the chamber itself; the number of committees is limited; they have no deliberative power; their degree of specialisation is low and the turnover of members is very high; the procedure for assigning a bill to committees is very variable; in some important procedural aspects – as we have seen – the constraints placed on individual conduct in the committees are similar to those in the chamber; they are, finally, dominated, like the chamber, by party organisations, which control the activities of the commissioners through whips.

Those implicitly identified are, therefore, the five dimensions along which to construct a measure of the degree of centralisation of the legislative process. Four of them concern the relative impact of the committee system (Di Palma 1977), and they are: the degree of specialisation of the committees, their degree of continuity, their degree of autonomy and their degree of decisiveness. The first dimension concerns the degree of specialisation of each parliamentary committee. Here, the system of permanent and highly specialised Italian parliamentary committees, in which recruitment tends to be based on the professional skills of MPs, contrasts with the British committee system, which is characterised by a high number of ad hoc committees and, consequently, a lower level of professionalisation. The second dimension refers to the stability or persistence of the composition of the commissions, or conversely, the extent of turnover of its members. In the Italian parliament, for example, commissions are characterised by a relative continuity of their composition over the course of legislatures, whereas the composition of British commissions is comparatively more unstable. The third dimension refers to the degree of penetration of party organisations into the committee system, the symmetry of regulations and procedures in the chamber and in the committee, and finally, the ability of committees to amend government proposals or those coming from the chamber. Unlike the British case, the commissions in the Italian parliament, for example, are weakly penetrated by party organisations and commissioners enjoy a relatively large degree of autonomy. Finally, the fourth dimension emphasises a peculiarity of the Italian committee system, namely the possibility of attributing or delegating deliberative power to the committees themselves, so that – on the basis of certain procedures – the legislative process of a given bill that has begun in the assembly can be concluded in the committee to which it was destined. In contrast, as we have said, the legislative process in the British parliament essentially takes place in the assembly.



The fifth dimension of analysis is the unicameral or bicameral character of the legislature. It is worth noting that a purely symmetrical bicameralism is found only in the Italian legislative system. In general, bicameral structures are characterised by a diversification of the functions of the upper and lower chambers and an asymmetric distribution of legislative power between the two. For instance, the veto power over legislation exercised by the upper chamber, where provided for, is normally neutralised by the lower chamber, albeit with aggravated procedures. That said, it is plausible to expect that a genuinely bicameral structure of the legislature may favour the emergence of veto powers (Rasch and Tesebelis 1995; Tsebelis and Money 1997) and generate an inconsistent legislative process.

Table 5 summarises the application this comparative framework to some Central and Eastern European democracies (for further references, see Olson and Crowther 2002; Olson and P. Norton 1996).

	EST	BUL	SLO	SVL	HUN	LIT	RCE	POL
Specialization of the committees	low 1	high 0	low 1	low 1	high 0	high 0	high 0	high 0
Continuity of the committees	low 1	low 1	low 1	low 1	low 1	high 0	low 1	low 1
Autonomy of the committees	low 1	low 1	high 0	high 0	low 1	low 1	high 0	high 0
Decisiveness of the committees	low 1	low 1	low 1	low 1	low 1	low 1	low 1	low 1
Bicameralism	no 1	no 1	no 1	no 1	no 1	no 1	yes 0	yes 0
<b>Scores</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>2</b>

*Legenda:* BUL = Bulgaria; EST = Estonia; HUN = Hungary; LIT = Lithuania; POL = Poland; RCE = Czech Republic; SLO = Slovenia; SLV = Slovakia;

Scores: low = 1; high = 0; Bicameralism absent or asymmetrical (no) = 1; Bicameralism present or symmetrical (yes) = 0.

Tab. 5 - Centralization of the legislative process. A Comparative Sketch.  
Sources: adaptation from Ieraci (2000: 197-198; 2003; 2010).

Among the dyadic integrate patterns, Estonia, Slovenia and Slovakia exhibit a high degree of centralization of the legislative process, while Czech Republic lies around the median of the continuum. Poland and Lithuania among the triadic integrated governments behave similarly to the latter two dyadic cases, while Bulgaria is a case of highly centralized legislative process. Once again Hungary poses several interpretative problems because of the transformation of its party system into a predominant party system (Sartori 1976: 192-201). According to Kazai (2015), notwithstanding that a complex system of permanent committees with significant competences developed quite early in the Hungarian National Assembly, the governing majority has dominated their work, and a high level of party discipline together with the dominant position of the government has gradually rendered the committee work merely technical. The committee system of the Hungarian National Assembly has no real autonomy from the government majority and no effective amendment and decisional capacities.

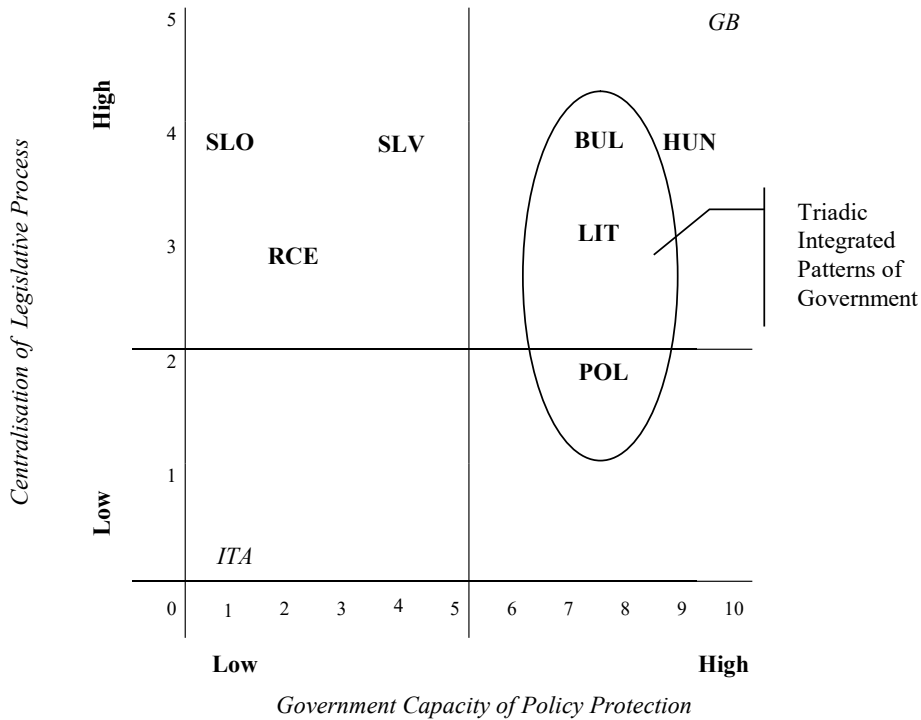
The government's ability to protect its policies and the centralisation of the legislative process are two main dichotomous variables, which can be combined given way to four ideal-typical clusters (see Fig. 2), although the Central and eastern European democracies here scrutinized combine mainly in two clusters.

In the first cluster (upper-left quadrant in Fig. 2, i.e. Slovenia, Slovakia, Czech Republic) the ability of the government to protect its policies is not high, notwithstanding that the legislative process is highly centralised, as it essentially takes place on the floor and the second chamber – if present – does not exercise veto power or interference. Here, government and opposition lean towards cooperative attitudes (Maor 1998). The committee system plays a crucial role in these cases and its influence on the final legislative decision is relevant. The triadic integrated patterns (i.e. Bulgaria, Lithuania, and Poland) lie in the second cluster (upper-right quadrant in Fig. 2), in these patterns it is indeed the presidential role which guarantees to the executives a considerable capacity to protect their own policies, regardless to the degree of centralization of the legislative process, that sometimes (like in the case of Poland) may result relatively low.

Meaningfully, Hungary lies in this quadrant too and the features of its legislative process under Orbán's rule has been above enlightened. Huber and Pisciotta (2022) have referred to the «executive aggrandisement and strategic manipulation» under Orbán's rule as two «institutional tools» favouring Hungary's democratic backsliding. Restrictions on media freedom, judicial autonomy<sup>10</sup>

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<sup>10</sup> After the enforcement of a new Hungarian Fundamental Law (January 2012), the Court's judgement can now be bypassed by making it possible to enact laws that the Court deemed unconstitutional.



*Legenda:* BUL = Bulgaria; GB = Great Britain; HUN = Hungary; ITA = Italy (according to 1971 Standing Orders); LIT = Lithuania; POL = Poland; RCE = Czech Republic; SLO = Slovenia; SLV = Slovakia.

Fig. 2 - Parliamentary Arenas in the Dyadic and Triadic Integrated Patterns of Government of some Central and Eastern European democracies.

Source: adaptation from Ieraci (2000; 2003; 2010).

and academic freedom were the most direct expression of this «executive aggrandisement», that would weaken political pluralism and party competition (Kovács and Tóth 2011). All these things are noteworthy, but the elementary fact is that Orbán has repeatedly and overwhelmingly won fourth consecutive essentially fair general elections, and the last one in 2022 by a two-thirds majority. Democratic critics of Orbán’s rule tend to overlook that Fidesz has been able to take root in civil society and take hold over the state machinery (Metz and Várnagy 2021) as a consequence of the democratic political competition.

There is a very general tendency among democratic critics to base judgements on democracy by looking at the content of political decisions and the political background of the rulers of the moment. At the root of this prejudice lies the rejection of the decoupling of the democratic method from

political ends. Some critics of democracy do not accept the neutrality of the democratic method, i.e. the possibility that the most diverse ends and, why not, even the most selfish private interests can be pursued through it. The classical or 18<sup>th</sup> century illusion is maintained – in the words of Joseph A. Schumpeter – that democratic action cannot be separated from the ends to be pursued (the common good, the general interest, the *res publica*). Thus, while pointing to the action of democratic governments as the cause of many evils, these critics are also, perhaps unconsciously, fighting against the democratic method that enables that action. This contradiction of democracy today deserves attention. But here we wanted to follow a completely different path. We have dealt with the democratic method itself, looking in particular at government-opposition relations as they are shaped in the parliamentary arena by the distribution of procedural resources. Let us admit that this method can sometimes bring an evil political class to power. Well, we have tried to show how democracy as a method or instrument of government is neutral and cannot be held to account for this specific wickedness.

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