

An Eternally Unfinished Parliamentary Regime? Semipresidentialism as a Prism to View Lithuanian Politics

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INTRODUCTION

According to a famous ruling of the Lithuanian Constitutional Court (on January 10, 1998), Lithuania's constitutional regime is a parliamentary system with "certain peculiarities of ... a mixed (semipresidential) form of governance."² Lithuanian politicians and specialists who support this thesis are discontent with the definition of semipresidentialism widely accepted among political scientists, namely regimes in which the popularly elected president appoints the prime minister with the consent of parliament. They regard this definition as formalistic and argue that the distribution of powers/authority and mutual relations among the branches of power are more important than the form of presidential elections (i.e., whether the president is elected by the population or parliament).³ Actually, during the 1990s, the Lithuanian political elite reached a consensus to interpret the Lithuanian Constitution of 1992 in a maximally parliamentarist manner. Nevertheless, both Lithuanian presidents, Valdas Adamkus and Rolandas Paksas, never turned into passive implementers of parliament's will, but remained independent actors in Lithuanian politics. How could this happen? The answer to that question, which this paper

1 This paper is a product of an research project "The Making of New Regions in Eastern Europe and the Impact of EU Enlargement" (2002-2005) and the ongoing 21st Century Program on "Making a Discipline of Slavic Eurasian Studies: Meso-Areas and Globalization" (2003-2008). These projects are financed by the Japanese Ministry of Education, Culture, Sports, Sciences and Technology.

2 www.lrkt.lt/dokumentai/1998/n8a0110a.htm

3 For example, Vytenis P. Andriukaitis, Social Democrat and former member of the Constitutional Commission (1990-92) of the Lithuanian Supreme Council, remarks that the Latvian parliamentary president, like the Lithuanian one, has the right to appoint the prime minister with the consent of parliament (interviewed by the authors, 3 August 2004, Vilnius). Dainius Urbanavičius remarks that the Lithuanian president has no right to hold a referendum, while the parliamentary president of Latvia does have such a right (Dainius Urbanavičius, "Lithuania," Robert Elgie, ed., *Semi-Presidentialism in Europe*, Oxford University Press, 1999, p. 161). Polish jurists and political scientists often share the discontent of their Lithuanian colleagues against the situation that their political regimes are "wrongly" categorized as semipresidential. Tadeusz Mołdawa and Stanisław Gebenther, director and professor of the Institute of Political Sciences, Warsaw University, interviewed by K. Matsuzato on 7 and 8 September 2004 respectively in Warsaw.

will try to provide, may explain the viability and flexibility of semipresidential regimes in the Western part of the former socialist territories.

It was no surprise that the collapse of communist regimes provoked scholarly interest in semipresidentialism. Among the almost 30 countries emerging from the former socialist camp, only six (the new Czech Republic, Hungary, Slovakia, Albania, Latvia, and Estonia) chose parliamentary systems,⁴ and only one of them, the unrecognized state of Transnistria, has emerged as a full presidential system. The other countries chose semipresidentialism.

As already mentioned, semipresidentialism is a system in which the president is elected through popular vote, directly or indirectly, but does not form executive organs personally; instead he appoints the prime minister with the confirmation of the parliament. The concept of semipresidentialism was proposed by Maurice Duverger in 1970, but it took more than ten years for it to be widely accepted as a category of political regimes. The most influential argument opposing this concept is that it is an excessively overreaching category covering strong presidential regimes, such as the French Fifth Republic at its beginning, and regimes such as the Austrian and recent Finnish, in which presidents only play symbolic roles.⁵ This conceptual ambiguity has become even more extreme because of the “expansion” of semipresidentialism to post-socialist countries. Is a concept functional at all if it covers political regimes from Austria to Belarus/Uzbekistan? This was the motive that made Matthew S. Shugart and John M. Carey divide the political regimes, categorized by the followers of Duverger as semipresidentialism, into two groups: president-parliamentary and premier-presidential.⁶ It is not by chance that the scholars interested in the distribution of power between the president, prime minister, and parliament preferred to rely upon Shugart and Carey’s classification.⁷

Robert Elgie proposes an approach diametrically opposed to that of Shugart and Carey. Elgie “purified” the concept of semipresidentialism to indicate the procedure to form the government (or appoint the prime minister), irrespective of the strength of the president.⁸ This paper adopts a definition closer to Elgie’s, because we believe that the concept of semipresidentialism has a much broader explanatory potential than to classify political regimes according to constitutional norms. This paper focuses on the political context in which Lithuanian semipresidentialism was adopted and continues to function.

4 In 1998, Slovakia shifted from a parliamentary system to semipresidentialism, while Moldova returned to a parliamentary system in 2000.

5 On the history of debate around the concept of semipresidentialism see Elgie, ed., *Semi-Presidentialism in Europe*, ch. 1.

6 Matthew S. Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge University Press, 1992).

7 For example, see: Edward Morgan-Jones and Petra Schleiter, “Governmental Change in a President-Parliamentary Regime: The Case of Russia 1994-2003,” *Post-Soviet Affairs* 20:2 (2004), pp. 132-163.

8 Elgie, ed., *Semi-Presidentialism in Europe*, pp. 12-14.

In other words, this paper tries to describe general characteristics of Lithuania's politics through the prism of semipresidentialism. This contextual approach has significant comparative potential. Focusing on the context in which semipresidentialism is functioning, we may raise the following questions, to name but a few:

- (1) Why do the political regimes of the countries, in which the political elite try to interpret their constitutions in a maximally parliamentarist manner (Lithuania and Poland), continue to be significantly presidential? If the Polish president, as several Polish specialists argue (see fn. 3), has no more legal powers than parliamentary presidents in Latvia and Estonia, why does this country continue to spend a large sum of money to hold popular presidential elections, rejecting a system of parliamentary president?
- (2) Why do the prime ministers almost constantly become the rivals of the presidents in certain countries (Ukraine and Lithuania), while in other countries (for example, Poland after the decline of President Wałęsa) this has not taken place? Armenia and Russia lie in-between these two extremes. As the countries referred to above show, this does not depend on the democratic-ness of their constitutions.
- (3) Why has a category of "almost full presidential semipresidentialism"⁹ emerged in the countries where the rule of "the winner takes all" prevails (Korea, Taiwan, Armenia, and Azerbaijan), while in Central Asia, Tatarstan, and Bashkortostan, where the political elite prefer to demonstrate their solidarity, formal requirements of semipresidentialism have been observed more strictly?

Shugart and Carey's approach does not give answers to these questions. These questions require one to conduct a large scale comparative analysis which, unfortunately, lies beyond the scope of this paper, which is limited to

9 We mean, above all, the nominal requirements of parliamentary confirmation of the presidential candidate for the prime minister and the president's prerogative to preside over the cabinet of ministers directly. The latter means that the president is the head of the executive power, rather than the head of the state. After witnessing the significant increase in examples of semipresidentialism during the 1990s, it has become difficult to regard the text of the French Constitution as "typically" semipresidential, since it allows the president to preside over the cabinet of ministers directly and authorize the parliament to confirm only the program proposed by the government, not the presidential candidacy for the prime minister. If the French constitutional regime has become more or less semipresidential, this is because of the changes in constitutional practices caused by the repeated experiences of cohabitation. Nevertheless, certain Armenian jurists justify the present Armenian Constitution as typically semipresidential because its text is similar to the French one. Armen Harutyunyan, the representative of the Armenian president in the parliament, interviewed by K. Matsuzato on 25 April 2005, Yerevan.

the analysis of Lithuanian semipresidentialism. For this paper, we will concentrate on two questions:

- (1) Why did Lithuania choose a typical semipresidential system in 1992, when there were real possibilities to choose a parliamentary regime, as happened in neighboring Estonia and Latvia, or, on the other hand, to choose an “almost full presidential semipresidential regime,” similar to the Polish Minor Constitution adopted under L. Wałęsa?
- (2) Why in Lithuania does the president continue to be an independent political actor despite the elite’s efforts to interpret the 1992 Constitution in a maximally parliamentarist manner?

In contrast to CIS countries, it is not easy to explain Lithuania and Poland’s semipresidential choice. In CIS countries the function of the former Central Committee of the Communist Party was almost directly passed to the presidential administration. In other words, the dual branches of executive power (the Central Committee and the government in charge of political and managerial matters respectively) evolved into the present semipresidentialism.¹⁰ Once introduced, semipresidentialism proved to be very effective running the clan-based politics, characteristic of CIS countries. For example, Ukrainian President Kuchma exploited his prerogative to appoint and dismiss prime ministers in order to manipulate the traditional rivalry between the Donetsk and Dnepropetrovsk clans.¹¹ In contrast, the presidencies in Lithuania and Poland are too weak to be called the successors of their Communist Parties’ Central Committee. In Lithuania there was a significant interval between the demise of the CPSU’s hegemony (Spring 1990) and the introduction of the presidency (October 1992). Moreover, Lithuanian, and Polish, politics are not as clientelistic as those of Ukraine. Obviously, we need to seek the reasons for the viability of Lithuanian semipresidentialism in a concrete political situation.

To answer the second question, the unexpected viability of Lithuanian semipresidentialism is explained by the fact that, first, semipresidentialism functions as a mechanism to assimilate newcomers/challengers in politics. Second, after the Paksas affair a significant portion of Lithuanian voters began to perceive the president as a counterweight to the “populist tendencies” in parliamentary elections. These two functions are intertwined. Low living standards, uneven development of regions (for example, the concentration of foreign investments in Vilnius and Klaipėda), the devastating situation of

10 It was Maurice Duverger himself that remarked that semipresidentialism was somewhat similar to Soviet administrative law. See his *Les constitutions de la France*, 13th edition (Paris, 1993), p. 115.

11 Kimitaka Matsuzato, “Semi-Presidentialism in Ukraine: Institutional Centristism in Rampant Clan Politics,” *Demokratizatsiya: The Journal of Post-Soviet Democratization* 13:1 (2005), pp. 45-58.

agriculture and other unfavorable social conditions have pushed the Lithuanian electorate toward “populist” voting. However, the effective functioning of semipresidentialism has quickly assimilated challengers into the traditional elite community. As a result, unsatisfied popular discontent seeks another outlet and thus generates favorable conditions for another challenger. In this cycle, a popularly elected president begins to function as a counterbalance against volatile and rebellious electoral behavior in parliamentary elections. Only popularly elected presidents enjoy the independence to realize these difficult functions.

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Semipresidentialism has been a “favorite” topic of Lithuanian political scientists. In 1998, an essay by Egidijus Kūris thoroughly criticized the aforementioned ruling of the Constitutional Court on January 10, 1998 and was awarded a prize as the best political science publication of 1998 by the Lithuanian political science association.¹² In the same year, Laimonas Talat-Kelpša conducted a quantitative analysis of presidential decrees and remarked upon the emergence of an archetype of self-restrictive presidency under President Algirdas Brazauskas.¹³ Petras Ragauskas’s study published in 2002 remarked that this tendency continued even under the “active” President Valdas Adamkus. During 1993–2001, the presidents vetoed 83 laws (only 2.8 percent of the whole laws adopted by the Seimas). However, once the president vetoed, the Seimas, as a rule, tried to find a consensus with the president. Seventy-six percent of the vetoed bills were passed after adjustment to the president’s position and only 24 percent of the vetoed bills were passed (i.e. the vetoes were overridden) without considering the president’s position. Thus, the relations between the president and the Seimas have been collaborative.¹⁴

L. Talat-Kelpša’s recent essay focused on the processes of government formation. He classified seven governments, which existed during 1993 - June 2001, into two groups according to who initiated its formation: the president or the Seimas. Table 1 shows Talat-Kelpša’s analysis supplemented by us, considering the recent events.

12 Egidijus Kūris, “Politinių klausimų jurisprudencija ir Konstitucinio Teismo *obiter dicta*: Lietuvos Respublikos Prezidento institucija pagal Konstitucinio Teismo 1998 m. sausio 10 d. nutarimą [Political Questions’ Jurisprudence and *Obiter Dicta* of the Constitutional Court: The Institution of the President of the Republic of Lithuania According to the Constitutional Court Decision of 10 January 1998],” *Politologija* 1 (1998), pp. 3-94.

13 Laimonas Talat-Kelpša, “Prezidentas ir įstatymų leidyba: veto teisės naudojimas Lietuvoje [The President and the Legislative Process: the Use of the Veto Right in Lithuania],” *Politologija* 2:12 (1998), pp. 57-69.

14 Petras Ragauskas, “Lietuvos respublikos prezidento vaidmuo įstatymų leidyboje [The Role of the President of Lithuania in the Legislative Process],” *Politologija* 4:28 (2002), pp. 36-75.

Table 1. Two Types of the Lithuanian Governments (1993 – June 2001)

Presidents (his terms and party affiliations)	Terms of the government	Prime ministers	His party affiliation	Initiators*
A. Brazauskas (1993-1997, LDLP)	Feb. 93 – Feb. 96	A. Šleževičius	LDLP**	S
	Feb. – Nov. 1996	M. Stankevičius	LDLP	P
	<i>Parliamentary elections of 1996</i>			
	Nov. 96 – May 99	G. Vagnorius	Conservatives	S
V. Adamkus-I (1998-2002)	May – Oct. 1999	R. Paksas-I	Conservatives	P
	Nov. 99 – Nov. 2000	A. Kubilius	Conservatives	***
	<i>Parliamentary elections of 2000</i>			
	Nov. 2000 – June 01	R. Paksas-II	Liberal Union	P
R. Paksas (2003 – May 2004, LDP****)	June 2001 – Nov. 2004	A. Brazauskas-I	LSDP	S
	<i>Parliamentary elections of 2004</i>			
V. Adamkus-II (2004- *****)	Nov. 2004 –	A. Brazauskas-II	LSDP	S

* S: Seimas; P: President.

** The Lithuanian Democratic Labor Party.

*** According to Talat-Kelpša, Kubilius's government was formed for crisis management, and therefore its formation can be attributed both to the president and the Seimas.

**** The Liberal Democratic Party.

***** The Liberal and Centre Union supported Adamkus, though he did not belong to it.

According to Talat-Kelpša, the governments, the formation of which was initiated by the Seimas, enjoyed longer durations (34 months on average¹⁵) and, therefore, became more brave and program-oriented, while the presidential governments suffered short durations (only seven months on average) and were forced to care mostly about their own survival.¹⁶ We do not think that Talat-Kelpša's analysis contradicts our opinion of the independent role of the president in Lithuanian politics. The cabinets of ministers initiated by the presidents emerged in critical situations; thus their role was, by nature, crisis management and their relatively short durations do not mean that the Lithuanian president has lost the meaningful role to initiate the government formation.

15 Now this average has become longer since Brazauskas's government continues to exist.

16 Laimonas Talat-Kelpša, "Vyriausybė ir prezidentas [The Government and the President]," A. Krupavičius and A. Lukošaitis, eds., *Lietuvos politinė sistema: sąranga ir raida* [Lithuanian Political System: Structure and Development] (Kaunas, 2004), pp. 385-422.

**THE REASONS FOR THE SEMIPRESIDENTIAL CHOICE IN LITHUANIA:
THE CONSTITUTIONAL PROCESS IN 1990-92**

On March 11, 1990, the Supreme Council of Lithuania restored the effectiveness of the 1938 constitution (the last constitution effective before the "Soviet occupation"). However, in contrast to Latvia and Estonia which chose an authentic restorationist approach to state building, this action was symbolic; only 15 minutes after the "restoration," the Lithuanian Supreme Council adopted the Provisional Basic Law, largely based on the republic's 1977 constitution with necessary textual and terminological changes.¹⁷ This meant that Lithuania inherited from Soviet Lithuania a parliamentary system of Soviet type, in which all state authorities were concentrated in the Supreme Council of the republic.¹⁸ At the same time, the Supreme Council established the "first" Constitutional Commission, but this commission lay idle for a long time, a fact that provoked public criticism.¹⁹ Eventually, this commission produced the "Outline of the Concept of the Lithuanian Constitution," which the Supreme Council adopted on April 25, 1991.²⁰ This "Outline" did not define the basic form of the state, but instead left it two alternatives: parliamentary (with a president elected by parliament) or semipresidential. Irrespective of the form of presidential elections, the "Outline" prescribed an omnipotent parliament (Seimas), which was "non-subordinate and unaccountable to anyone" and dissolvable only by its own resolution.²¹ As was the case with the Basic Law adopted a year earlier, the "Outline" preserved many elements of Soviet parliamentarism.

Even in this preliminary process several features determinative for the future semipresidential development in Lithuania took shape. First, from the restorationist point of view, semipresidentialism with a strong presidency was a more legitimate regime, because the 1938 constitution was based on this model. The logic of restorationism demands the restoration of the constitution that was in operation immediately before the "occupation." However, in Lithuania this logic was unpopular and did not give any advantage to the supporters of a strong presidency in their debate with the supporters of parliamentarism, which was the spirit of the 1922 constitution.²² On the other hand, various so-

17 Matsuzato's interview with Stasys Stačiokas, judge of the Constitutional Court, 9 August 2004.

18 Article 78 of the Basic Law. The whole text of the law can be found at: [http://www3.lrs.lt/cgi-bin/preps2?Condition1=21971&Condition2=\(Lithuanian version\)](http://www3.lrs.lt/cgi-bin/preps2?Condition1=21971&Condition2=(Lithuanian%20version)) and [http://www3.lrs.lt/cgi-bin/preps2?Condition1=21108&Condition2=\(English version\)](http://www3.lrs.lt/cgi-bin/preps2?Condition1=21108&Condition2=(English%20version)).

19 Matsuzato's interview with Stačiokas.

20 "Lietuvos Respublikos Konstitucija: Konceptijos metmenys" published in *Lietuvos Aidas* (10 May 1991), pp. 4-5.

21 Juozas Žilys, "Konstituciniai politinės sistemos pagrindai [The Constitutional Basis of the Political System]," Krupavičius and Lukošaitis, eds., *Lietuvos politinė sistema*, p. 67.

22 One of the reasons for this situation was that the 1938 Constitution was too authoritarian to be reintroduced in post-communist Lithuania. See, for example, Urbanavičius, "Lithuania," p. 151.

Table 2. The Distribution of Lithuanians' Opinions on Future Relations Between President and Parliament (December 1991)²³

	Percent Answering				
	"Totally agree"	"Almost agree"	"Difficult to say"	"Almost disagree"	"Totally disagree"
1. "We need strong president who will be able to overcome all opposition and to do everything necessary for the development of the country."	42	13	18	9	17
2. "Our country needs a strong and competent president who will be able to reject any unfounded decisions of the parliament majority."	38	18	22	11	11
3. "Our country needs a balance between parliament and president so that they can control each other and will learn to cooperate for the sake of Lithuania."	56	18	18	3	4
4. "We have to avoid the concentration of power in the hands of one person. That is why the parliament should have more significant power than the president."	26	15	29	15	15
5. "Our country needs a strong parliament, which will be able to reject unfounded decisions made by the president."	33	16	25	11	15

ciological surveys revealed that the Lithuanian population definitely requested the popular election of the president, once the office was to be introduced. For example, according to a sociological survey conducted on December 17-24, 1991 by the Public Opinion Survey Center of the Lithuanian Institute of Philosophy and Sociology (see Table 2), the majority of respondents supported a semipresidential system with balanced relations between president and parliament. On the other hand, the fact that Statements 1 and 2 enjoyed more support than pro-parliamentarian Statements 4 and 5 reveals Lithuanians' yearning for strong one-man leadership at that time. This public opinion obviously provided a social basis for V. Landsbergis's tough attitude in the constitutional process in 1992. Likewise, a sociological survey made by the same the Public Opinion Survey Center in March 1992 showed that 77 percent of the respondents hoped to directly elect the president.²⁴

23 Dr. Vladas Gaidys kindly provided us with these valuable data.

24 E. Krukauskienė, "Kas už Prezidentūrą?" *Lietuvos Aidas* (14 April 1992), p. 5.

Table 3. Support for Undemocratic Alternatives (2000)²⁵

	Percent answering "Yes"			Percent Against All Three
	Return to Communist Rule	Military Rule	Strongman Rule	
"Free Countries" *				
Slovenia	14	1	13	78
Czech Republic	16	3	13	75
Hungary	25	1	18	68
Poland	15	6	27	67
Latvia	2	4	39	62
Romania	20	18	26	60
Slovakia	29	6	23	57
Bulgaria	24	12	29	56
<i>Lithuania</i>	10	4	58	40
Mean	17	6	27	63
"Partly Free & Not Free" *				
Croatia	14	4	11	76
Serbia	30	12	41	48
Belarus	33	10	38	46
Russia	39	15	40	37
Ukraine	51	14	55	24
Moldova	n/a	13	64	30
Mean	33	11	41	43

* Countries grouped by Freedom House ratings.

The yearning for strongman leadership continues to be characteristic of Lithuanian politics. Table 3, based on New Europe Barometer Surveys (2000), reveals this situation.

Not only is the percentage supporting "strongman rule" in Lithuania much higher than in other "free countries," but also than "partly free and not free" countries; only in Moldova are there more respondents supporting "strongman rule." On the other hand, the percentage rejecting any kind of undemocratic rule is lower than in Serbia and Belarus. Though the high score for "strongman rule" in Lithuania is partly explained by the unpopularity of the other kinds of undemocratic rule (in particular, "return to communist rule" enjoys much less support than in "partly free and not free" countries), this result is astonishing.

Overall, the parliamentary president, common to Latvia and Estonia, was psychologically unacceptable for the Lithuanian population. Likewise, the members of the Sajūdis "constitutional group," which elaborated the party's constitutional drafts, with the only exception of Vytenis P. Andriukaitis (see fn. 3), did not support the idea of a parliamentary president.²⁶

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25 Richard Rose, "A Diverging Europe," *Journal of Democracy* 12:1 (2001), p. 99.

26 Interview with Andriukaitis.

Dismayed with the contents of the “Outline” (1991), the Supreme Council chair, Vytautas Landsbergis, declared that the future Lithuanian constitution would be adopted through referendum, not parliamentary negotiations. This declaration paralyzed the Constitutional Commission.²⁷ The next round of the constitutional process began only after the attempted August 1991 coup in Moscow and the international recognition of Lithuania’s independence. Having achieved its main goal, Sajūdis began to split into various factions, which influenced the deliberation of the constitution. Landsbergis’s faction requested to introduce the presidential office as early as possible through a referendum, if the parliamentary debate around the constitution was protracted.²⁸ On December 10, 1991, the Supreme Council established the “second” Constitutional Commission, in which two groups emerged: the parliamentarist majority headed by the commission chairman Kęstutis Lapinskas and the pro-Landsbergis minority headed by Egidijus Jarašiūnas, a specialist of French law. Both groups published their own constitutional drafts in April 1992. Both drafts were semipresidential, but while Lapinskas’s draft assigned more authority to parliament,²⁹ Jarašiūnas’s draft was modeled on the French Fifth Republic with a strong presidency.³⁰

Facing deadlock, Landsbergis’s faction submitted the bill on the President of the Republic of Lithuania³¹ to national referendum on May 23, 1992. This bill proposed to recreate the institution of president before the permanent Constitution would be adopted. This bill prescribed broad competencies of the president to dissolve the parliament, in particular if the latter does not confirm the presidential candidacy for prime minister or government program twice; this might remind us of the present Kazakhstan constitution. This bill proposed “almost full presidential semipresidentialism” since the president could participate in the meetings of the cabinet of ministers to guide them and was authorized to cancel the effectiveness of government decrees if he regarded them as contradicting the law. Parliamentarist deputies furiously agitated against

27 Interview with Andriukaitis.

28 The Council of Sajūdis proposed the Law on the President of the Republic of Lithuania on November 30, 1991 (*Lietuvos Aidas*, 5 December 1991, p. 4).

29 Lapinskas’s draft was published in *Lietuvos Aidas* (1 May 1992), pp. 5-8.

30 Jarašiūnas’s draft was published in *Lietuvos Aidas* (14 May 1992), pp. 5-7; Žylis, “Konstituciniai politinės sistemos pagrindai,” p. 71; Matsuzato’s interview with Egidijus Jarašiūnas, judge of the Lithuanian Constitutional Court in 1996-2005 and member of the Constitutional Commission in 1990-92, 4 August 2004, Vilnius; the authors’ interview with Andriukaitis; with Andrius Kubilius, Conservative MP, the prime minister of Lithuania in 1999-2000, 4 August 2004, Vilnius. The supporters of Jarašiūnas’s draft argued that the Gaullists studied the Lithuanian constitution of 1938 when they discussed the French Constitution of 1958 – a fact the present authors were not able to confirm.

31 “Lietuvos Respublikos Konstitucinis Įstatymas Dėl Lietuvos Respublikos Prezidento,” *Lietuvos Aidas* (7 May 1992), p. 5.

this bill as a path to Landsbergis's dictatorship.³² As a result, only 40 percent of all those eligible to vote voted for the bill (the voting turnout was 57.6 percent), while more than 50 percent of the whole electorate was necessary to approve the bill.³³

The unsuccessful referendum made the split of parliament decisive. In June-July a new anti-Landsbergis majority took shape and Landsbergis's faction abandoned the main parliamentary hall to have a separate session in another hall. However, this critical situation led to a compromise between the factions, agreeing to reelect the parliament on October 25, 2002, submit a constitutional draft to referendum on the same day, and, accordingly, work out a single draft by that day. Jurists and parliamentarians coordinated Lapinskas's and Jarašiūnas's drafts to produce a single one. This is why the Lithuanian constitution became "something between parliamentarism and semipresidentialism" (E. Jarašiūnas).

To understand the characteristics of the Lithuanian constitution, it seems useful to compare it with the Ukrainian constitution (adopted in 1996), since both of them are the products of compromise among the elite. In Ukraine, this compromise was achieved by sacrificing the constitutional mechanism of checks and balances; the president forsook the prerogative to disband the parliament, but instead was vested with huge competences (in particular in cadre policy), which he may realize personally (without consultations with the government or parliament). As a result, a disintegrated semipresidentialism emerged, which afterwards proved to be advantageous for superpresidentialism. The opposite happened in Lithuania; the president secured the right to dissolve parliament (Article 58) and received a significant range of competencies, but most of them could be executed only with the approval or advice of the parliament or government (Article 84). The sphere of one-man decision by the president was quite limited. Thus an integrated semipresidentialism emerged in Lithuania, in which the principle of checks and balances is adequately realized. This is the institutional background as a result of which the president has been obliged to take into account the views of the parliamentarians and, on the other hand, has the possibility to realize his policy through active contacts with parliamentarians even when parliament's political composition is unfavorable.

As for the possibility of *cohabitation*, since the Ukrainian constitution does not have an article of automatic dissolution of the parliament in the case of repeated rejection by parliament of the presidential candidate for prime minister, theoretically it does not exclude the possibility of *cohabitation*. In this sense,

32 The authors' interview with Romualdas Ozolas, 2 August 2004. Ozolas was one of Landsbergis's opponents in the Sajūdis movement, and headed the Centre Union in 1991-2003. After this party merged with the Liberal Union and Modern Christian Democrats Party in 2003, he created the National Centrist Party from its remains.

33 Žilyis, "Konstituciniai politinės sistemos pagrindai," p. 73.

the Ukrainian constitution can be contrasted to the Russian, Belarusian, and Central Asian constitutions. But the literal interpretation of this constitution allows the president to dismiss the prime minister without any consultation, while the Lithuanian constitution does not allow the president to do so without the approval of parliament (Article 84, Clause 5). As political histories of Russia and Ukraine demonstrate, the right to dismiss the prime minister often has more significance than the right to appoint him/her (note the dismissals of E. Primakov, V. Yushchenko, P. Lazarenko, and others). It was very important for Lithuanian constitutionalism that the constitution placed this presidential prerogative under parliamentary control.

Another important criterion for parliamentarism is the problem of whether the government's term of office corresponds to the parliament's or the president's term. The constitutions of the CIS countries practically subordinated the term of government authorities to the term of the president. The Lithuanian constitution did not give a clear definition on this matter and this vagueness led to the ruling of the Constitutional Court on January 10, 1998.

Why was it possible to achieve a compromise beneficial for the parliament in Lithuania? A possible explanation is that the supporters of strong presidency in Lithuania were interested in Landsbergis's personal power. This is why they rushed into the reckless referendum in the spring of 1992. In the autumn of 1992, Landsbergis's unpopularity among the population was so obvious that even his supporters began to think that he would barely win the coming presidential elections. Fearing the possibility of another figure (possibly a leftist one) becoming the president, Landsbergis's supporters decided not to vest him with large powers.³⁴

To sum up, there were three factors that affected Lithuania's semipresidential choice: (1) weak influence of restorationism, because of which Lithuanian law makers enjoyed freedom of choice; (2) public opinion favorable to strong one-man leadership; and (3) declining popularity of Landsbergis, the main advocate of a strong presidentialism at that time.

TURNING TO PARLIAMENTARISM: THE RULING OF THE CONSTITUTIONAL COURT ON JANUARY 10, 1998

The parliamentary and presidential elections in 1992 and 1993 resulted in overwhelming victories for the Lithuanian Democratic Labor Party (LDLP) and its leader Algirdas Brazauskas. President Brazauskas established the tradition of a passive president, which the second president Adamkus would challenge. Until 1996, Brazauskas did not need to be active, because he had the parliamentary majority; he quietly accepted the Conservatives' victory in the

³⁴ Interview with Jarašiūnas.

1996 parliamentary elections and appointed Gediminas Vagnorius, who was recommended by the Conservatives, as prime minister (the first *cohabitation*).³⁵

Lithuanian semipresidentialism experienced a real trial when it faced Valdas Adamkus's victory in the presidential elections in December 1997 - January 1998. Although the Centre Union persuaded him to migrate from the US to Lithuania to run in the elections, he enjoyed a high reputation even before that.³⁶ Vagnorius's government, having experienced more than a year of *cohabitation* with leftist President Brazauskas, needed to be ready for the next, even more unpredictable *cohabitation* (the Conservative candidate for president, Landsbergis's defeat was almost predetermined). A considerable part of the Lithuanian political elite feared that if Adamkus won, he would import an American style of presidency to Lithuania and violate the established parliamentary rules of the game in Lithuanian politics. The Lithuanian elite regarded another real candidate, Artūras Paulauskas,³⁷ as an outsider as well. In electoral debates, a number of candidates stated that they would form a government, which would incarnate the new president's program. As noted earlier, the Lithuanian constitution did not clearly indicate whether the term of the government should correspond to the term of the parliament or president. Thus, judges of the Constitutional Court anticipated a constitutional crisis on the eve of the presidential elections.³⁸

35 This ruling coalition was composed of 70 parliamentarians from the Conservatives and 16 from the Christian Democrats. The Centre Union (22 members of Parliament) participated in the coalition.

36 Adamkus led the electoral headquarters of Stasys Lozoraitis (the united right candidate) in the 1993 presidential elections. Even then, many said that if Adamkus himself had run the election, he would have defeated Brazauskas. Besides Adamkus's Lithuanian masculine beauty and talent to communicate with people, there was an incentive, which can be called the American syndrome. The Lithuanian voters, tired of post-communist poverty and injustice, anticipated that the representative of a rich country would make Lithuanians rich as well (the authors' interview with Darius Kuolys, director of the Institute of Civil Society, and advisor of President Adamkus on internal affairs in 1998-2003, 5 August 2004, Vilnius).

37 Born in 1953 and Prosecutor General of Lithuania in 1990-95, Paulauskas entered politics by running for the 1997/1998 presidential elections. He was supported by the incumbent president Brazauskas and narrowly lost in the final round to Adamkus, with Paulauskas gaining 49.6 percent of vote and Adamkus gaining 50.4 percent. Afterwards, he established the New Union (Social Liberals), which gained 19.6 percent of the vote in the 2000 parliamentary elections. As a result, he became the speaker of the Seimas. He was the acting president of Lithuania after the impeachment of President Paksas until Adamkus was elected as president again (May-June 2004). He is Brazauskas's most plausible successor as the leader of the left wing of Lithuanian politics.

38 Interview with Jarašiūnas; Matsuzato's interview with Stasys Šedbaras, now advocate, the former consultant of Prime Minister Vagnorius in the affairs of state reform and human rights in 1997-98, 3 August 2004, Vilnius. It was Šedbaras who initiated the government appeal to the Constitutional Court.

On December 18, 1997, immediately before the first round of voting (on December 21), the government appealed to the Constitutional Court to examine the constitutionality of Seimas's resolution of December 10, 1996, which approved the government program covering the whole term of the second Seimas (1996-2000), in other words, ignoring any possible result of the 1997/1998 presidential elections.³⁹ The Constitutional Court put all other cases aside to concentrate on this matter and issued a ruling as early as January 10, 1998. The content of the ruling was somewhat scholarly. It distinguished two concepts included in the constitution, namely "returning the government's credentials to the president" and "the resignation of the government." According to the ruling, the government resigns only when the Seimas is reelected, while it returns its credentials to the newly elected president only to "express respect" for him.⁴⁰ The president is obliged to reappoint the incumbent prime minister automatically. At the same time, the president has the right to examine whether the incumbent government really enjoys the confidence of the parliamentary majority, but this examination is another political action distinguished from the automatic reappointment of the incumbent prime minister.⁴¹

Since this case had theoretical, preventive characteristics, it is difficult to determine to what extent Adamkus's victory could have been a real threat to the constitutional practice in Lithuania. The then existing political elite is convinced even now that Adamkus had his own candidacy for prime minister irrespective of the will of the parliamentary majority and was offended by the ruling of the Constitutional Court.⁴² On the other hand, Darius Kuolys, the former adviser of Adamkus, says that Adamkus did not have another candidate for prime minister other than the incumbent Gediminas Vagnorius, who then enjoyed the confidence of the Conservative parliamentary majority, and quietly accepted the ruling as a given. In any case, what is important here is that Lithuanian semipresidentialism and the institutions supporting it (such as the Constitutional Court) functioned as a mechanism to assimilate outsiders/newcomers to the traditional Lithuanian elite politics. When Matsuzato asked whether the preventive characteristics of the ruling imply a politicized usage of the Constitutional Court, E. Jarašiūnas, judge of the court who was possibly the main author of the ruling, answered frankly: "the rules of the game should be clear beforehand."

The ruling of the Constitutional Court on January 10, 1998 was criticized thoroughly by Egidijus Kūris, the then director of the Institute of Political Sciences and International Relations at Vilnius University in his voluminous 92-page article.⁴³ Kūris reminded us that the constitution of 1992 was a product of

39 Lietuvos Respublikos Vyriausybės Nutarimas, 1997 m. gruodžio 18 d. Nr. 1429.

40 www.lrkt.lt/dokumentai/1998/n8a0110a.htm

41 Interview with Šedbaras.

42 Interview with Jarašiūnas.

43 Kūris, "Politinių klausimų jurisprudencija."

compromise between the supporters of presidentialism and parliamentarism. Kūris criticized the Constitutional Court's definition of the Lithuanian constitutional regime as parliamentary with certain peculiarities of semipresidentialism as conceptually meaningless, arguing that it ignored the constitutional definition.⁴⁴ Parliamentary systems *per se* are neither less rational nor less effective than presidential and semipresidential systems, but a parliamentary system with a popularly elected president contradicts political logic. According to the ruling, popularly elected presidents have only a few legal levers to implement their political goals, not only under *cohabitation*, but always. This explanation provokes the natural questions: why should such a president be elected popularly and why should Lithuania not shift to an ordinary parliamentary system. Perhaps ridiculing the fact that the possible main author of the ruling, E. Jarašiūnas (a specialist of French law), seemed to have procured the concept of "resignation for the sake of courtesy" (*demission de courtoise*) from the experience of the French Third Republic, Kūris remarked that it was nothing but the French Third Republic to which almost all the flaws of parliamentarism can be attributed.⁴⁵

In a recent conversation with Matsuzato, Kūris added two more reasons (which he did not touch on in his 1998 article) why the ruling of the Constitutional Court on January 10, 1998 had not been respected in Lithuanian constitutional practices. First, it is often the case in parliamentary democracy that there is no majority in the parliament. In this situation, the president, like it or not, cannot but have a wide range of choices to appoint the prime minister. Secondly, the ruling ignored the principle of free mandate of parliamentarians, an attribute of liberal democracy. Parliamentarians are limited by their party allegiances only politically, but not constitutionally. Constitutionally, parliamentarians have the right to vote for any candidate for prime minister according to their own will. This implies that the president has the right to appoint any candidate for prime minister by asking for parliamentarians' free will. Kūris continues to be convinced that Lithuania's semipresidential regime is better than Latvia's and Estonia's parliamentary system. If Lithuania had chosen a system of parliamentary president, the parliamentary majority would control the president completely and the president would become only a part of the monolithic ruling body.⁴⁶

In 1999, ironically, Kūris was appointed by the Seimas to the post of judge of the Constitutional Court and therefore was obliged to respect the preceding decisions of the court, including the one he had harshly criticized.

44 Kūris, "Politinių klausimų jurisprudencija," p. 43. Article 84, Clause 4 of the constitution says: "the President of the Republic shall appoint, upon approval of the Seimas, the Prime Minister, charge him or her to form the government, and approve its composition."

45 Kūris, "Politinių klausimų jurisprudencija," pp. 56-57.

46 Matsuzato's interview with Egidijus Kūris, the Chairman of the Constitutional Court, 3 August 2004, Vilnius.

**SEMPRESIDENTIALISM AS A MECHANISM TO ASSIMILATE NEWCOMERS:
ADAMKUS'S FIRST PRESIDENCY (1998-2002)**

Despite the ruling of the Constitutional Court on January 10, 1998, V. Adamkus became an active president. Below, we will examine three phases of this situation: (1) the political crisis resulting from the Russian financial crisis (1998-99), (2) the scandal around Mažeikių Nafta (1999-2000), and (3) Adamkus's "New Politics" and his endeavor to prevent the *cohabitation* with the Social Democrats (2000-2001). These cases reveal that there was a room for the president to realize his own program by interfering in the intra-party politics of the ruling majority, even though his powers were constitutionally limited. Moreover, through these maneuverings President Adamkus succeeded in assimilating newcomers to Lithuanian politics, such as R. Paksas and A. Paulauskas, into the traditional elite community.

The Russian Financial Crisis and the Resignation of Prime Minister G. Vagnorius

The aftermath of the Russian financial crisis damaged the relations between President Adamkus and prime minister Vagnorius, which had been largely cooperative until then. Unsurprisingly, two parties, *pro et contra* Vagnorius, explain the reasons for his resignation in April 1999 differently.⁴⁷ According to Vagnorius and his supporters, the real reason for his resignation was Landsbergis's anger over his humiliating defeat in the 1997/1998 presidential elections. Landsbergis thought that the incumbent prime minister was to blame for this defeat and began to ally with President Adamkus to undermine Vagnorius's authority even before the Russian financial crisis. During the crisis in 1998-1999, Adamkus summoned the high government officers directly, without informing the prime minister and ministers. Thus, the leader of the largest parliamentary party (Landsbergis) coalesced with the president (Adamkus) to attack the prime minister (Vagnorius) from his own party.

⁴⁷ According to Vagnorius's opponents (the Conservatives and a former adviser of President Adamkus), Vagnorius underestimated the impact of the Russian financial crisis on the Lithuanian economy and composed an optimistic budget for 1999. They argue that Vagnorius himself wished to resign from the post of prime minister on the pretext of his conflict with Adamkus, rather than to implement unpopular measures of retrenchment to liquidate the consequences of the Russian financial crisis (Interviews with Kubilius and Kuolys). Vagnorius maintains that the Russian financial crisis only stopped, but not overturned, the growth of the Lithuanian economy and there was no budget deficit during his premiership. The budget deficit was caused by the next prime minister, R. Paksas, because of his policy to "liberalize" tax collection (Matsuzato's interview with Gedminas Vagnorius, parliamentarian, and the prime minister of Lithuania in 1991-1992, 1996-1999, 9 August 2004, Vilnius).

The conflict between the president and the prime minister culminated in Adamkus's TV speech on April 19, 1999, making public that he did not trust the prime minister any more and was unable to work with him.⁴⁸ The Seimas expressed its confidence in the Vagnorius government, but Vagnorius himself resigned on April 30, and requested his party, the Conservatives, not to recommend to Adamkus any candidate for the next prime minister. This request was supported by the faction of Andrius Kubilius (the future prime minister in 1999-2000) within the Conservative party. Only Landsbergis's faction responded positively to Adamkus's constitutional request to nominate candidates for the next prime minister.⁴⁹ Adamkus overcame this impasse by appointing Rolandas Paksas, mayor of Vilnius and then the most popular Conservative politician, as prime minister. Thus, having made the prime minister resign and exploiting the conflict within ruling the Conservative party, Adamkus was able to appoint the next prime minister.

The Scandal over Mažeikių Nafta and the Tactics of Semi-Cohabitation (1999-2000)

The new prime minister, Paksas, was accused of making worse the economic and financial situation of the country. In 1999, the GDP of Lithuania fell by 4.1 percent and the public debt reached 13 billion litas.⁵⁰ Paksas inherited from the Vagnorius government the project to sell Mažeikių Nafta (the largest oil refining factory of the country) to an American company "Williams." For the Lithuanian government the purpose of this project was to procure "capital from the West (USA) and oil from the East (Russia)." However, the Russian partner, Lukoil, did not wish to cooperate with the American company, but instead tried to buy Mažeikių Nafta through its own subsidiary company. Acquainted with Lithuanian psychology much better than American businessmen, Lukoil spent a large sum of money on an anti-American campaign. "Williams" made the situation worse through its arrogant requests addressed to the Lithuanian government. Moreover, because of his construction business in Russia, Paksas was dependent on Lukoil and tacitly tried to exclude "Williams" from the privatization of Mažeikių Nafta. Exactly for this purpose he resigned from the post of prime minister on October 27, 1999, declaring that he would not sign the document to sell Lithuania's interests to Americans. This populist action boosted Paksas's popularity,⁵¹ while the scandal around Vagnorius and Mažeikių Nafta seriously damaged the ruling coalition.⁵²

48 Valdas Adamkus, "Man nepriimtinas noras kurti pavaldinių visuomenę [I Cannot Accept the Desire to Create a Society of Subordinates]," *Valdas Adamkus: Penkeri darbo metai* [Valdas Adamkus: Five Years of Work] (Vilnius, 2002), pp. 39-42.

49 Interview with Kuolys.

50 Annual Address by President Valdas Adamkus (2000) (<http://www.adamkus.lt/en/pmp2000.phtml>).

51 Having quit the Conservative party, Paksas shifted to one of the centrist parties, the Liberal Union. Since its leader, Eugenijus Gentvilas, was the mayor of Lithuania's third city,

After Paksas's resignation, the Conservatives recommended two candidates for the prime minister, and the president chose one of them, Andrius Kubilius. Today, Adamkus's former adviser, Darius Kuolys, recalls that Kubilius, who rebuilt Lithuania's state budget after the 1998-99 crises by an uncompromising retrenchment policy, was the best partner of Adamkus among the prime ministers during 1998-2002. However, a more plausible reason for the good relations between the president and the prime minister is that Adamkus had already devised a tactic to manage the semi-*cohabitation* with the Conservatives by counterweighing the party leader, Landsbergis, with the second leader (faction): Paksas in 1999 and Kubilius in 2000. During Kubilius's premiership (until the Seimas election in October, 2000), Adamkus demonstrated his earnest support of Kubilius, but at the same time constantly argued with Landsbergis and the mainstream of the Conservatives. For example, Adamkus appointed Paksas, who had seceded from the Conservatives, as an adviser of the president in the energy affairs. Remarkably, during 1999-2001 President Adamkus repeatedly strove to keep Paksas in a ruling position.

As described above, the period of Kubilius's premiership was marked by the president's activeness. Adamkus exploited the contradictions within the Conservatives and Landsbergis's unpopularity in society. Adamkus initiated the "New Politics" movement (see below) and began to cooperate with the centrist opposition to the Conservatives. The tactfulness of Adamkus's parliamentary policy is symbolized by the fact that the Seimas adopted the Law on the Special Investigation Service on May 2, 2000, which subordinated a significant portion of law enforcement organs to the president, not the government. This law provided an institutional basis for the presidential and parliamentary crises in 2003-2004.

Adamkus's "New Politics" and a Winding Road to Cohabitation (2000-2001)

The "New Politics" movement initiated by Adamkus was an attempt not only to change the constellation of forces among the traditional parties, but also to overcome a dangerous tendency, which appeared in the municipal elections in spring 2000. The painful economic situation and anti-Western sentiment provoked by the scandal around the privatization of Mažeikių Nafta

Klaipėda, and Lithuanian law prohibited possession of mayoral and parliamentary positions concurrently, he passed the party leadership to Paksas, intending to rely upon Paksas's popularity in the coming municipal (spring 2000) and parliamentary (autumn 2000) elections (Matsuzato's interview with Eugenijus Gentvilas, member of the European parliament, and first deputy chairman of the Liberal and Centre Union, 5 August 2004, Vilnius).

- 52 On June 1, 1999, the Christian Democrats declared that the coalition treaty was canceled because of their dissatisfaction with the Conservatives' attitude during the government crisis in 1999 and with the project to privatize Mažeikių Nafta, for which the Christian Democrats refused to bear any responsibility. The Centre Union recalled its representatives in the government for the same reason. At the end of 1999, Vagnorius and his supporter-parliamentarians (12 seats) left the Conservative party to create a new party of Moderate Conservatives.

resulted in the defeat of traditional parties and the sudden victory of a new party, the Social Liberals, in the elections.⁵³ The leader of the Social Liberals, Artūras Paulauskas (see fn. 37), exploited anti-Western and anti-NATO arguments effectively. If Paulauskas repeated this electoral tactic to win the following parliamentary elections, a serious political crisis was anticipated after the elections. As Adamkus was incorporated into the Lithuanian traditional elite through the mechanism of semipresidentialism in 1998, it was Adamkus's turn to invite the outsider/newcomer Paulauskas into the traditional elite, exploiting the same institution. In his annual address to the Seimas on April 20, 2000, President Adamkus criticized not only the two previous (Vagnorius and Paksas) governments for their delay in tackling the financial crisis, but also traditional parties that neglected the population's mood and allowed the rise of "populist," anti-Western sentiment.⁵⁴ Under the banner of "New Politics," proposed in this address, Adamkus began to organize a pro-presidential coalition targeted at the parliamentary elections. Adamkus intended to create a broad, right-centrist coalition despite his critical relations with Landsbergis. The Conservatives' refusal to participate in the coalition⁵⁵ limited it within a centrist coalition composed of the Social Liberals, Centre Union, Liberal Union, and Modern Christian Democrats Party. However, initiating the formation of this centrist coalition, Adamkus achieved an important purpose; that is, preventing the newcomer left, SL, from coalescing with the traditional left, LDLP.

If President Adamkus's call for "New Politics" was the right-centrist reaction to the challenge of the newcomer Social Liberals, the unification of the LDLP and Social Democrats was the leftist counteraction to it. As a result, the new SDP (unified LDLP and SDP) won the largest number seats (53) of the new parliament.⁵⁶ However, Adamkus proposed the post of prime minister not to the leader of this winning coalition (Brazauskas), but to the leader of the "New Politics" coalition, namely R. Paksas. The leader of the Social Liberals, A. Paulauskas, became the speaker of the Seimas. Thus, Adamkus neutralized the SLs' challenge and guided its leader into the traditional elite community.

The alliance between the Liberals and Social Liberals, the main components of the "New Politics" coalition, was fragile from the beginning, but the decisive reason for its collapse in June 2001 was the issue of *Māžeikių Nafta*. During his second premiership, Paksas, was unable to achieve an agreement

53 For the municipal elections in 2000 see: Kimitaka Matsuzato, "The Last Bastion of Unitarism? Local Institutions and Party Politics in Lithuania 1990-2001," *Eurasian Geography and Economics* 43:5 (2003), pp. 383-410.

54 <http://www.adamkus.lt/en/pmp2000.phtml>

55 According to Adamkus's former adviser, D. Kuolyis, the Conservatives felt strong antipathy toward the leader of the Social Liberals, Paulauskas, since he was the son of a KGB officer. The old hatred between Landsbergis and the Centrist leader Ozolas (see fn. 32) also prevented the Conservatives from participating in the coalition.

56 www.vrk.lt/rinkimai/2004/prezidentas/rezultatai/rez_e_19_1.htm; www.vrk.lt/rinkimai/2004/prezidentas/rezultatai/rez_e_19_2.htm

for the normal functioning of this oil refining enterprise between three parties (“Williams,” Lukoil, and the Lithuanian government). The common interest of “Williams” and the Lithuanian government was not to allow the monopoly of Lukoil in oil supply in Lithuania. In the desperate situation Paksas asked the president for assistance and Adamkus contacted the American embassy and Putin’s administration. As a result of the joint declaration of Putin and Adamkus on March 30, 2001,⁵⁷ Yukos obtained the right to supply Mažeikių Nafta with crude oil over the next ten years. This devastated the position of Paksas, who had been patronized by Lukoil. Having provoked artificial conflicts with Paulauskas, he resigned from the post of prime minister on June 20, 2001. Paksas not only resigned, but also destroyed the Liberal – Social Liberal coalition. The latter changed its partner and coalesced with the new SDP.⁵⁸

Even facing the collapse of the right-centrist coalition, Adamkus did not want to appoint Brazauskas, the leader of the SDP, to the premier post. When Paksas resigned, Adamkus appointed Eugenijus Gentvilas, another influential leader of the Liberal Union and the former Klaipėda mayor, as the acting prime minister and asked him to form a new parliamentary majority. It was only after the Social Liberals agreed to coalesce with the SDP that Adamkus reluctantly appointed Brazauskas as the prime minister (the second *cohabitation*).

SEMIPRESIDENTIALISM AS A COUNTERBALANCE AGAINST A “POPULIST” PARLIAMENT: THE PAKSAS AFFAIR AND THE SECOND TERM OF ADAMKUS

The political crisis caused by President Paksas (2003-2004)⁵⁹ made the Lithuanian elite become conscious of the role of president as a counterbalance against what they call “populism.” In 2001, having failed to gain support the Liberal Union in the coming presidential elections,⁶⁰ Paksas and his supporters left the party and created the Liberal Democratic Party. On the other hand, despite the opposition of some members of his team, Adamkus decided to run for a second presidential term (2003-2007). He was 76 years old then. In contrast to CIS countries, in Lithuania an informal “party of power” does not exist,

57 Valdas Adamkus, “Rusijos Federacijos Prezidento Vladimiro Putino ir Lietuvos Respublikos Prezidento Valdo Adamkaus bendras pareiškimas 2001 metų kovo 30 dieną [The joint declaration of the president of the Russian Federation, Vladimir Putin, and the president of the Republic of Lithuania, Valdas Adamkus, on March 30, 2001],” *Valdas Adamkus: Penkeri derbo metai*, pp. 329-332.

58 Interview with Gentvilas.

59 Paksas restored the Lithuanian citizenship of his sponsor Jurij (Yurii) Borisov, a Lithuanian Russian who had abandoned Lithuanian citizenship to gain Russian citizenship. Borisov needed to do so in order to take part in the Russian semi-military industry. A series of scandals, from bribery to personal usage of security organs, came out of this affair.

60 On October 27, 2001, a convention of the Liberal Union returned the party leadership from Paksas back to Gentvilas. This meant that the party would propose Gentvilas as its candidate for the 2002/2003 presidential elections.

the exploitation of “administrative resources” is limited, and party politics has penetrated into the local level. Under these conditions the incumbent president cannot win the election without gaining the support of influential parties. The incumbent status without sufficient party support may even harm the candidate.⁶¹ In the 2002/2003 presidential elections, only the Conservatives supported Adamkus. In the second round of elections, Paksas defeated Adamkus. The winner, thirty years younger than the incumbent, spent much more money than the loser, hired a legion of Russian image-makers, and was still at the zenith of his popularity.

The rulings of the Constitutional Court on the Paksas affair produced ambivalent results in regard to the fate of the Lithuanian semipresidentialism. On the one hand, the rulings qualified the functions of the president even more strictly than in the 1990s, but on the other, they emphasized the moral responsibilities of the president to integrate and represent the nation.⁶² One of the judges of the Constitutional Court, Stasys Stačiokas, said that the rulings did not curtail presidential prerogatives at all, but on the contrary, qualified the ethical basis of these prerogatives more strictly.⁶³ It seems possible to interpret these rulings as warnings against the populist tendencies of the Lithuanian electorate, because of which the Paksas administration had emerged.

The presidential election after the impeachment of Paksas held on June 13th (the first round) and June 27th (the final round) ended in Adamkus’s revival. Adamkus, this time supported by the Liberal and Centre Union, defeated his rival Kazimira Prunskienė,⁶⁴ supported by leftist forces and Paksas’s supporters, by a small margin (5.3 percent of the eligible vote). More remarkable, in the elections to the European Parliament, held on the same June 13th, the Labor Party gained 30.3 percent of the vote and accordingly five of the 13 seats assigned to Lithuania, while even the ruling SDP gained only 14.4 percent of the vote. The Labor Party was established only a year earlier, in autumn

61 For example, if a director of a school became the local representative of candidate Adamkus, he might suffer conflict with the local council, the jurisdiction to which his school belonged, because the council leaders might be members of parties competing against Adamkus (Interview with Kuolys).

62 For example, the ruling of the Constitutional Court on 25 May 2004 states: “...when evaluating the constitutional legal status of the president of the republic, the Head of State, it needs to be noted that this status is not only the sum of powers *expressis verbis* established for the President of the Republic by the Constitution. The President of the Republic, as the Head of State elected directly by the Nation, symbolizes the State of Lithuania, the values of its society, and personifies the Republic of Lithuania in international relations” (<http://www.lrkt.lt/dokumentai/2004/r040525.htm>).

63 Interview with Stačiokas.

64 The first prime minister of Lithuania after the proclamation of independence (1990-91), Professor of Economics, leader of the Peasant/New Democracy Party, and representative of the moderate left. As she did not support impeachment process of Paksas, he officially encouraged his supporters to vote for her.

2003, under the leadership of a Lithuanian millionaire of Russian origin, Viktor Uspaskich.⁶⁵

The low living standard of the population despite the rapid growth of the Lithuanian economy, the absence of social democracy in the country under the Social Democrats' rule, the presidential crisis of 2003-2004, and the alleged corruption of a number of parliamentarians produced a political situation similar to the one in 2000. Viktor Uspaskich, the LP leader, promised to pursue a tougher position and not to sacrifice Lithuanian interests for the sake of European integration.

According to the opinion of many Lithuanian political scientists, the Labor Party is a typical representative of post-communist populism since this party is under one-man leadership of its founder, Viktor Uspaskich, and resorts to messianic appeals to the lower strata of the society. Darius Gudelis, advisor of the president Adamkus, remarks that populist electoral challenges, repeated in Lithuanian politics, were no more than the remnants of Soviet mentality.⁶⁶ Unsurprisingly, leaders of the Labor Party argue against the opinion that they are populists. According to them, despite the periodic splashes of leftist vote, the winning leftist parties in Lithuania have not been able to tackle the problems, which prompted voters to support them. In other words, there are objective reasons why new leftist parties have emerged repeatedly in Lithuania. "If the Labor Party cannot solve these problems, another new party will emerge because problems exist objectively."⁶⁷ Moreover, according to them, the significant part of the Labor Party's program was included in the program of the present (2004-) ruling coalition. If the party's program was actually populist, this could not have happened.⁶⁸ Refuting the opinion that the LP is Uspaskich's personal party, they argue that mostly newcomers composed the LP when it was established and among its founders only Uspaskich was more or less famous over the country, and therefore, the party wagered upon his popularity.

Lithuanian political scientist Vykintas Pugačiauskas remarks that a portion of the electorate voted for Adamkus in the presidential election with the anticipation that he would become a counterbalance against the possible victory of the "populist" Labor Party in the coming parliamentary elections. Ac-

65 He is nicknamed "Mr. Cucumber" since he has a large vegetable proceeding company in Kėdainiai, so-called "the capital of cucumbers." Born in 1959 in Arkhangel'sk Oblast. He first came to Lithuania in 1985 to build a gas pipeline. He returned to Lithuania in 1987 and obtained Lithuanian citizenship after independence. He was first elected to parliament as an independent in 1996 (<http://www.eubusiness.com/afp/040614142859.i2pl6ob5>).

66 Matsuzato's interview with Darius Gudelis, advisor of the president Adamkus (the second term, 2004-) on internal politics, 1 August 2005, Vilnius.

67 Matsuzato's interview with Viktoras Muntianas, deputy leader of the LP and deputy chair of the Seimas, 2 August 2005, Vilnius.

68 Matsuzato's interview with Loreta Grauzinienė, leader of the LP parliamentary group, 2 August 2005, Vilnius.

According to Pugačiauskas, people got this idea from the discourse in the central press wherein a number of editorials and articles urged the Seimas, despite the Paksas crisis, not to engage in the attempt to limit presidential powers constitutionally, because this attempt would limit the range of options that the new president would have in dealing with the expected parliamentary majority of the Labour Party.⁶⁹

As Table 4 demonstrates, the Seimas election in 2004 created a fragmented parliament. The Labor Party gained the largest number of deputy mandates (39; 28 percent of the parliament), but this number was not enough to initiate coalition making. Moreover, the LP leaders were conscious that they did not have sufficient human resources to govern the country. Since the LP was organized after the 2002/2003 local elections, there were almost no supporters of the LP among the local councilors and mayors, though the LP wagered on the discontent of the forsaken localities in the uneven capitalist development of the country. Therefore, it was very important for the LP to join and remain in the ruling coalition at least until the 2006 local elections. As a result, the SDP and Social Liberals, who had been in power since 2001, initiated the coalition making. It was they that had the freedom to choose whether to create a “rainbow” coalition with various liberals and the Conservatives or to create a left-“populist” coalition with the LP. The SDP and SL chose the latter. As a result, the LP, the winner in the elections, behaved self-restrictively in the negotiation for forming the cabinet. V. Uspaskich agreed to receive only five minister posts for his party (he himself became minister of economy), while the SDP managed to hold onto the prime minister post for A. Brazauskas and gained five ministerial posts. A. Paulauskas, the leader of the Social Liberals, remained the Seimas chair and his party gained two ministerial posts.⁷⁰

Table 4. The Results of the Parliamentary Elections in October, 2004

	Party (leader)	The number of deputies
1	The Labor Party (V. Uspaskich)	39
2	<i>The Conservative Party (A. Kubilius)</i>	25
3	The Social-Democratic Party (A. Brazauskas)	21
4	<i>The Liberal Centre Union (A. Zuokas)</i>	18
5	The Social Liberals (A. Paulauskas)	11
6	The Peasant and New Democracy Party (K. Prunskienė)	11
7	<i>The Liberal Democratic Party (R. Paksas)</i>	10

The opposition parties are Italicized.

69 Matsuzato’s interview with Vykintas Pugačiauskas, lecturer at the Institute of International Relations and Political Science, Vilnius University, 2 August 2004, Vilnius.

70 Another member of the ruling coalition, the Peasant and New Democracy Party only secured the post of minister of agriculture for their leader K. Prunskienė.

The fragmented composition of the parliament was advantageous for Adamkus. While he started his first term of presidency with the parliament controlled by the Conservatives, this time he is able to manipulate between almost equally influential parties. For example, even Brazauskas needs Adamkus's support in his intra-cabinet competition with Uspaskich. To establish the moral authority of presidency, once shattered by Paksas, Adamkus directly appeals to the population, visiting raions periodically. If similar visits during Adamkus's first presidency had a ritual character, this time Adamkus asks the population to raise concrete problems, such as concerning minors and narcotics. Afterwards, the president proposes that the ministries and parliamentary committees in charge to work out concrete measures.⁷¹ Obviously, the president and his surroundings procured adequate lessons from the Labor Party's popularity. Another example of Adamkus's endeavor to raise the moral authority of the president was his intervention in the harsh conflicts, accompanied by black PR, between V. Uspaskich and A. Zuokas, Vilnius mayor and the leader of the Liberal and Centre Union. As was the case with Vagnorius in 1999, in May 2005 Adamkus appeared on TV and politely requested the two politicians to resign from their public offices. Actually, Uspaskich abandoned his ministerial post. The population welcomed Adamkus's initiative. According to an opinion survey conducted in June 2005, 82.1 percent of the respondents thought that politicians who had lost president's confidence should resign.⁷² Uspaskich and Zuokas's popularity fell quickly after being criticized by Adamkus.

According to an opinion poll held in July 2005, 55 percent of the respondents were confident in the institution of presidency, while a year before this percentage was only 17. Remarkably, the Seimas and the government enjoy much less confidence (10 and 19 percent respectively⁷³) than the president. Thus, one year after becoming the president again, Adamkus succeeded in re-establishing the authority of presidency and neutralized the "populist" challenge to a significant extent. Paradoxically, however, the methods he used to achieve these goals (direct contacts with the local population, a TV address to make trouble-making politicians resign) remind us of the methods criticized by the traditional elite as populist.

CONCLUSIONS

Let us answer the two questions given at the beginning of this essay.

(1) The reasons for the semipresidential choice in Lithuania in 1992. In contrast to Latvia and Estonia, restorationism in Lithuania never had a serious influence and this situation excluded the possibility to return to the semipresidential constitution of 1938 with a strong presidency. In contrast to Latvia and

71 Interview with Gudelis.

72 www.delfi.lt/news/daily/lithuania/article.php?id=7051935

73 *Lietuvos Rytas* (16 July 2005).

Estonia again, Lithuanian public opinion was quite critical to the system of parliamentary president. In 1992, Landsbergis's unpopularity was so obvious that his supporters lost the desire to introduce semipresidentialism with a strong presidency. Thus, the compromise among the elite was achieved to introduce semipresidentialism with a full-fledged mechanism of checks and balances.

(2) A fundamental reason for the repeated failures of the attempts to parliamentarize Lithuania's political regime after 1998 (in other words, the unexpected viability of semipresidentialism) is the quite oligarchic character of Lithuanian elite politics and the rebellious, extremely volatile voting behavior of the masses, demonstrated in the 1996, 1997/98, 2000, 2002/03, and 2004 national and local elections. The same electorate that had supported Lithuania's EU accession overwhelmingly a year before (2003), voted overwhelmingly for the party that insisted on a tougher position in regard to the EU (2004). In such a country, any outsider/challenger enjoys abundant chances to accumulate political capital quickly. In this situation, semipresidentialism functions as an instrument to socialize newcomers/outside into the elite community. This happened with Adamkus himself; his strategy of "New Politics" in 2000 enabled the granting of the position of Seimas speaker to the newcomer Paulauskas, who has grown up as a typical representative of the values and behavior of the Lithuanian traditional elite. The tragedy of Paksas was that he was unable to develop his own political culture even in this well-defined system of "learning." Second, the relatively independent presidency functions as a counterweight against the "populist" voting behavior of the masses. This is not only because both presidents after 1993, Brazauskas and Adamkus (here we do not count Paksas), shared a manifest anti-populist position, despite the gross ideological difference between them. The problem is that the Lithuanian elite is unable to control votes, in contrast to their CIS counterparts, and therefore the results of parliamentary elections are always unpredictable. Under this situation, the presidency cannot but play the role of safe guard against populism.

Lithuanians are European to the extent that the Lithuanian elite have been unable to create an unofficial party of power, based on clientelist and patriarchal political behavior. Lithuanians are Eurasian to the extent that they have been unable to create a stable party system because of the personification of politics, a penchant for heroic politicians among the mass voters. In a previous paper, Matsuzato remarked upon the ambivalence of post-communist Lithuania's local politics, namely, the strong position of the meso-(or raion) elite (exceptional for Western post-communist countries) on the one hand, and the penetration of party politics at the local level (inconceivable for CIS countries) on the other.⁷⁴ The ambivalence we observed in the functioning of Lithuania's semipresidentialism seems to provide another proof that Lithuania is a country located between Europe and Eurasia.

74 Matsuzato, "The Last Bastion of Unitarism?"