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Title

Imperator and Gubernator. Overlap of Functions of Two Prime Ministers from the Perspective of Constitutional Law, Comparative Politics and Theoretical 'Staatswissenschaft'

Abstract

This thesis deals with the so-called 'problem of the two PMs', i.e. situation during the alternation of governments in the Czech Republic when the two Prime Ministers coexist shortly at the same time. This specific situation is a potential source of extensive conflict over the authority to exercise the constitutional powers of the Prime Minister.

In the first chapter the whole issue is analyzed from the historical point of view—it could be regarded as a relatively new matter of the current Czech constitution, however, even in the older Czechoslovak constitutional tradition, problems of a similar type can be found that have not yet been given more attention.

The second chapter presents the views of constitutional lawyers on the whole topic—they are divided into three basic hypotheses, "denialism hypothesis", "one-hour hypothesis" and "Benelux hypothesis".

In the third chapter there is a comprehensive comparison within the European Union—the mechanisms of government alternation in particular European constitutions are analyzed, their strengths and weaknesses are discussed and the states are categorized into several basic groups. The last fourth chapter presents a completely new concept—the short-term division of the function of Prime Minister between two people is not understood as a negative phenomenon or constitutional error but as a natural element, revealing two related but distinct and mutually separate components of governmental power in parliamentary democracy: the *imperium* (the political execution of power, based on universal mandate), and the *gubernium* (the administrative execution of power, based on proper appointment by the head of state). Subsequently, the general theory of *imperium* and *gubernium* is developed, their basic rules are formulated and specified and the whole concept is applied to several problematic questions of the Constitution of the Czech Republic, which are related to the problem of the two PMs.

Keywords

Prime Minister, Executive Power, Government Alternation, Appointment of Government, Imperium, Gubernium