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**THE OPPOSITION IN THE VI TERM SEJM
(2007–2010)**

The necessity for the opposition to participate in political decision-making is derived directly from the principle of sovereignty by the people (nation) – the nation as a subject of political power consists both from a ruling majority (which is a *de facto* conglomerate composed of multiple minorities) and a minority (which is equally internally diversified) which at a given point in time is excluded from power but which may never be deprived of its representation and the right to have a say in the decision-making processes. The adoption of the principle of majority decision-making is dictated by practical reasons since otherwise reaching consensus would be too costly and time-consuming (Sartori 1998: 51). Therefore, the opposition is an integral element of the democratic political system. Quoting Gugliermo Ferrero, one could say that in democratic states the opposition is no less important an organ to express popular sovereignty than government is. To suppress the opposition means to suppress popular sovereignty (Sartori 1998: 51). The importance of the opposition may also be explained by reference to another fundamental democratic principle – the principle of the division of powers. One dimension in which the division of powers may be analyzed is the political division into governing political groupings and the remaining political groupings that take part in policy-making processes (Sobolewski 1983). What is more, it seems that this dimension is the most important dimension in the division of power since it is precisely the opportunities for an opposition to act that constitute guarantees for the principle of the division of power to be meaningful in other respects as well. In addition, it is argued that currently the division of political power has become more important and that it replaces the division into legislative and executive powers (Godlewski 2005: 124). Arguments to the point once more stress that there cannot be democratic systems in which the opposition is not granted a sufficient scope of opportunities to act.

Looking for a definition of the parliamentary opposition, one could opt for the one authored by Eugeniusz Zwierzchowski according to whom the parliamentary opposition is understood in terms of political groups or parliamentary factions which for any reason do not participate in government-making, critically evaluate the government's political program and its policies as well as creating their own alternative programmes, policies and shadow cabinets in order to intercept power and form government within the limits defined by constitutionally established rules (Zwierzchowski 2000: 11). Following the line of Eugeniusz Zwierzchowski, a definition of the parliamentary opposition is also offered by an author of a most voluminous publication dedicated to this issue in Poland, that is Stanisław Bożyk, who states that the parliamentary opposition is composed of those only groupings that take an unequivocally critical stance *vis-à-vis* the governing majority and the policies pursued by this majority but refrain themselves from taking any destructive action that could infringe upon constitutional and legal rules of the parliamentary game (Bożyk 2006: 26).

In the scientific literature one may distinguish several typologies of parliamentary opposition of which some might be useful while analyzing the performance of the opposition in the Polish Sejm. One of the most relevant typologies has been elaborated on the basis of the criterion constituted by relations between oppositional groupings and the ones that form government, including the confrontational opposition that refuses any co-operation with government and the cooperative opposition that collaborates with government and supports it in some of its actions (Krawczyk 2000: 145). The first of the two types is actually characteristic mainly for the Westminster model democracy, whereas Poland, just as the majority of the European countries, has the other type of the opposition. Nonetheless, this typology draws attention to two options in the opposition's behaviour, and in particular cases one may speak of predominance of one or the other of them.

Similar assumptions underpin other typologies, inter alia the one that enumerates a Nordic and a Latin type of the opposition. The first of them includes those oppositional groupings that are prepared for a broad compromise with government that is motivated by the state's general well-being. To use yet other labels that seem to carry a similar meaning, this type of the opposition could be called moderate (or constructive, i.e. having an impact on the state's policies) and responsible.

The other type involves those groupings that are fundamentally conflicted with government and – because of the prevalence of their own interests – are unable to reach a compromise with government (in this sense one could call this type of the opposition irresponsible or else – radical) (Krawczyk 2000: 153).

The aforementioned typologies emphasize one of the most significant features of the parliamentary opposition in contemporary democratic systems that have been taken into account, *inter alia*, by Ryszard Herbut who has distinguished a situational definition which refers to the opposition's fluid nature caused by the multiplicity of potential coalition arrangements and the fact that its composition and character are shaped by many factors (Antoszewski, Herbut 1995: 242). The reverse type is constituted by the systematic opposition that consistently takes a critical stance *vis-a-vis* government and its policies, whereby the opposition is interpreted as an institution whose classical example is provided by the British opposition. The situational opposition in some cases withholds its critique of some elements of governmental policies because their implementation may also be beneficial from the vantage point of the oppositional groupings (Bożyk 2006: 24). One could assume that the opposition that exists in the Polish parliament belongs exactly to this type.

Another very important division is the one made according to the criterion of the degree to which the opposition is internally coherent. Basing on this criterion allows for identifying the integrated and the fragmented opposition. The degree to which the opposition is coherent conditions the opposition's ability to engage in joint interventions or reach consensus across its various initiatives and therefore decides about the strength of the opposition's impact on the governing groupings. In other words, the degree of the opposition's integration is one of the factors that determine the way in which it is treated by the governing parties. An ability of the opposition to form more or less integrated coalitions may also have an impact on its future coalition-making potential in case its electoral results make it possible for one or the other of the oppositional groupings to co-constitute a cabinet. In this respect, one could state that it is the fragmented opposition that prevails in the Polish parliament.

Basing on the above discussed typologies one could ask a few questions regarding the opposition that formed in the VI term Sejm (basing on research covering the period since the first Sejm's session in 2007 until the end of 2010; all data has been collected from the

official Sejm website – www.sejm.gov.pl). Answering these questions will let us sketch some characteristics of the opposition during this term of the Polish parliament. Among the most important questions there is one pertaining the opposition's ability to co-operate with governing groupings and the degree to which it collaborates with them, while another pertains the scale of conflict between the opposition and the governing groupings as well as the extent to which the opposition's activities are integrated and consistent. These questions could be answered by analyzing the law-making and regulation-making proceedings (through which the controlling function of parliament is for the most part executed alongside its creative function in the Sejm – unfortunately the scarcity of space does not allow us for their full analysis in the present paper). We will choose voting patterns typical of the deputies representing the groupings of the opposition to be our major indicator. It is worth adding that during the law-making proceedings the opposition realizes its basic functions – the ones that are traditionally labeled as critical evaluation, control and building an alternative (in terms of policies and personnel) to the existing government.

As far as possible hypotheses, we may start by stating that the division into the ruling majority and the parliamentary opposition is not a dichotomous division in contemporary democracies since in reality there exist many options to shape the relations between the two sides (Godlewski 2001: 468). Therefore, one might expect that there will emerge various patterns of the opposition's behavior, primarily depending on the degree of compatibility between the position taken by the ruling groupings and the programmatic assumptions typical of the given oppositional groupings and, also, depending on the specific political situation. Furthermore, assuming that none party in the Polish parliament is able to gain a majority allowing for a single-party cabinet formation, one could suppose that – to some extent – the behavior of the parties of the opposition will be conditioned by their efforts to maintain their coalition-forming potential. On the other hand, taking into account considerable differences between the parties that formed the opposition in the VI term Sejm (mainly between Prawo i Sprawiedliwość [Law and Justice] and Sojusz Lewicy Demokratycznej [Left Democratic Alliance]), which derive both from ideology and some underlying historical cleavages (that are still present in some leaders' mentality), one could be justified in one's expectation that the opposition would be fragmented to a large degree.

The shape of the opposition in the VI term Sejm resulted from elections that had taken place on 21 October 2007. Those elections decided that four political parties won seats in the Sejm: Platforma Obywatelska [Civic Platform] (41,51% votes), Prawo i Sprawiedliwość [Law and Justice] (32,11% votes), Lewica i Demokraci [The Left and the Democrats] (13,15% votes, which was a coalition of four groupings in which SLD played the dominant role) and Polskie Stronnictwo Ludowe [Polish Peasant Party] (8,91% votes). Those elections had been clearly won by PO which was supported by more than 6,7 mln voters (that is over 3 mln more than in the previous elections), but it is worth recording that also PiS got an electoral result that was by nearly 2 mln votes better than the one achieved in 2005 (altogether almost 5,2 mln voters), which obviously affected the latter's party legitimacy in the role of the main grouping of the opposition during the discussed parliamentary term. PiS became an opposition because the situation that had existed before allowed in principle for only one possible variant of the governing coalition (a „natural” one, as pointed out by Janina Paradowska), which was an agreement reached by PO and PSL. This arrangement had already been to some extent tested on the level of regional parliaments (*sejmiki wojewódzkie*) since in the majority of the Polish regions (in 12 of them) exactly this type of the ruling coalition had been formed following the self-governmental elections in 2006. Apart from PiS, the opposition during the VI term included LiD, but this grouping quickly split, leaving SLD as the main oppositional force (for a long time this part of the opposition just functioned under the label of *Lewica* [The Left]). In the discussion below a few more or less permanent secessions from PiS will not be taken into account (such as *Polska XXI*, *Polska Plus*, *Polska Jest Najważniejsza*) just as the LiD deputy club's splits, such as into *Koło poselskie SDPL* or *Koło poselskie SD* (since in their majority these secessionists voted similarly as their „home” groupings). The same applies to a group of independent deputies (counting ten members at the end of 2010).

Already the first Sejm session generated some knowledge as far as patterns of behavior by the oppositional groupings. Namely, Bronisław Komorowski representing PO was elected the Sejm Marshal (Speaker) getting 292 votes, that is most probably all of PO, PSL and LiD votes. He occupied this position since 5 November 2007 until 8 July 2010, when his mandate elapsed due to his having been elected President of the Polish Republic. Komorowski had competed against Krzysztof Putra, who represented PiS getting 160 votes (notably, 163 PiS deputies

participated in the voting). From those results we may infer that the LiD coalition decided to vote in the same manner as the groupings that had formed the governing coalition, which – taking into account that their votes were not decisive – might have been taken as a sign of their symbolic distance *vis-a-vis* PiS and a hint that in case of the presidential veto, LiD might lend the governing coalition the necessary support. Grzegorz Schetyna was elected the first deputy Marshal getting 277 votes of support (including all votes of PO deputies present at the session – minus the vote of the candidate himself – plus SLD and PSL votes). 121 deputies voted against him (PiS), while 16 abstained from the voting (including 13 PiS deputies, 1 PO deputy, 1 SDPL deputy and 1 SD deputy). Therefore it could be seen that just as it was the case with electing Komorowski, SLD voted identically as the ruling groupings, whereas within PiS votes were divided.

A similar distribution of votes was visible during the voting over the number of deputy-Marshals – by 288 supporting votes it was decided that there would be four such posts (PiS deputies presented a bill on the basis of which there should be three vice-Marshals), each representing one parliamentary club, which meant that the Sejm Presidium would include two PO representatives. Consequently, the following deputy-Marshals were elected: Stefan Niesiołowski (292 votes), Jarosław Kalinowski (453), Krzysztof Putra (408) and Jerzy Szmajdziński (427). During the voting, the pattern of strong congruence emerged with the exception of S. Niesiołowski's case – in this case the whole PiS club voted against the candidate (minus a few abstentions). Niesiołowski was mainly objected against on the basis of his rhetorical style during political debates.

Basing on the way in which the Sejm Presidium was shaped we could conclude that during this process PiS self-defined itself in terms of a „hard-line” opposition (proposing its own candidate to run for the Marshal, authoring a separate bill concerning the number of the deputy-Marshals and voting against the PO candidate running for the post of one of the deputy-Marshals), whereas LiD, which remained outside the governing coalition, took a position close to the ruling groupings. In this way it turned out that the opposition during the discussed term of the parliament was not going to be coherent.

One of the basic indicators to identify an opposition that may be used while analyzing patterns of behaviour of the parliamentary opposition is the manner of voting during law-making processes. It is assumed here that bills might be divided into those that did not breed opposition

– if the number of votes against them or abstaining votes did not exceed 10 – and those that bred opposition – if the number of votes against them or abstaining votes was bigger. During the Sejm's VI term 730 bills were adopted by the end of 2010 (in 2007 – 6, in 2008 – 251, in 2009 – 233, in 2010 – 240). We may see 538 of them as uncontroversial ones (that is ca. 74% of all; they were passed by voting during which the opposition voted in the same way as groupings of the governing coalition). We may take 192 bills (ca. 26% of all) as bills that bred opposition. This basic measure of the oppositional behavior at Sejm indicates that in the decisive majority of cases the oppositional behavior did not take place or was limited to single deputies (meaning no more than ten deputies in each of the cases). On this basis we might infer that in this respect there was no „hard-line” opposition but only incidents of a situational opposition (even though in the case of some issues the oppositional groupings clearly voted in a consistent manner). In addition, it shows that in many cases the parliamentary opposition was inclined to co-operate with the ruling groupings. This conclusion is confirmed by the fact that among the bills supported by the opposition we could find 356 bills proposed by the cabinet and 45 bills proposed by deputies representing exclusively parties of the ruling coalition. Among the bills that generated a controversy we find 122 cabinet's drafts and 33 drafts authored by the ruling coalition's deputies. That means that from among all of the bills proposed by the cabinet or the governing groupings (556 altogether), 155 (27,9%) may be identified as the ones that provoked the opposition.

The second most frequently occurring pattern of voting by the opposition – apart from the above discussed joint voting by all of the parliamentary groupings – might be illustrated by the situation in which only PiS deputies voted against the proposed bill or abstained from the vote while LiD/Lewica/SLD voted for the given bill together with the deputies of the governing coalition. In quantitative terms that pattern took the following shape: in 74 cases PiS voted against the proposed draft, 36 times this party's deputies abstained from the voting and six times (in 2008) the whole PiS club did not participate in the voting at all (which might be classified as instances of parliamentary obstruction). Therefore, altogether 116 times (out of 192 bills that were seen as controversial – meaning in 60,4% of such cases) PiS as the only club behaved in a manner typical of the opposition. It could be assumed that the different pattern of behavior demonstrated by LiD/Lewica/SLD was motivated by SLD's willingness to build its coalition potential

vis-a-vis PO as the only potential political arrangement that might allow the party of the left to participate in political power.

Yet another pattern of the opposition's behaviour – identified according to the frequency criterion – involved joint voting by PiS and LiD/Lewica/SLD against the proposed bills or their abstention from the vote. There were 44 such cases (22,9%). This pattern of voting was mainly typical of issues connected with economic and social policy issues, including voting over the budget and the budget-related bills. Notably, in the majority of such cases the fact that they voted in a similar manner did not mean that the groupings of the opposition cooperated with one another.

As far as the case in which LiD/Lewica/SLD deputies voted against or abstained from voting while PiS voted similarly as the governing coalition groupings, such a situation took place only 13 times (6,8%). This voting pattern appeared, *inter alia*, in relation to issues such as pensions for the functionaries of various state services (*szużby mundurowe*), the state budget's financial support for Akademia Teologiczna (Theological Academy) (in which case the Left always voted against the proposed bills), granting the religious holiday of *Trzech Króli* (Three Kings) the status of a public holiday.

In the remaining 19 cases of the drafts „that bred opposition”, still other voting patterns emerged, most frequently involving a small (equal ten or exceeding this number) and dispersed group of deputies voting against the proposed bills (12 such cases). In the remaining cases the problem involved inconsistent voting by the clubs. This is clearly illustrated by the manner in which PiS deputies voted over the ratification of the Lisbon Treaty (89 votes for, 56 against and 12 abstaining, while all other deputies voted for its ratification).

As far as the rejected bills – the number of the rejected or withdrawn bills was equal 114, including 71 that were rejected by not unanimous voting (which exhibited a „controversial” pattern in line with the criterion depicted above). Those bills had been in their majority authored by the PiS club deputies – 46, the President – 5 (proposed at the beginning of his term) as well as the Lewica/SLD club deputies (in three cases with support from SDPL deputies). There were 11 such bills plus an additional one proposed by SDPL, SD and independent deputies. On the basis of the discussed statistics we may infer that the majority of the rejected bills was constituted by bills proposed by the deputies of the oppositional groupings – altogether 58. If we include the ones proposed by President Lech Kaczyński – there were 63 such

bills (55,3%). However, it is worth emphasizing that many of the proposed bills – if adopted – would result in an increased budget expenditure, which could explain why they had been rejected.

The voting behavior in the case of the rejected bills was to some extent similar to the one during voting over the adopted bills. However, relatively more often the pattern of joint voting by PiS's and Lewica/SLD's deputies against the rejection of the particular bills occurred (altogether 27 times; in one case the majority of PSL deputies voted like the other opposition groupings). In turn, a situation in which PiS deputies voted against the rejection of the bill, whereas Lewica/SLD voted for its rejection occurred 35 times. Notably, three times the deputies of the Left abstained from the voting (which, however, needs to be treated separately from their voting over the adopted bills, since it did not prevent the bills from being rejected). In the remaining cases those deputies voted just like the ruling majority. In six cases PSL deputies voted in their majority just as PiS deputies did.

On the other hand Lewica/SLD deputies voted 8 times against the bill rejection without support by PiS – in 7 cases the proposed bill had been authored by Lewica/SLD deputies. Those bills pertained inter alia the competences and activities of CBA (Central Anti-Corruption Bureau), dissolution of IPN (Institute of National Remembrance), deployment of the national armed forces outside of the state borders and establishing an office of the plenipotentiary for anti-discrimination policies.

Summing up, one could emphasize a few issues. First, in the VI term Sejm the dominant majority of the voting patterns fell in the category of congruent voting – unanimous or close to unanimity, which justifies the conclusion that co-operative elements occurred more frequently than conflict-motivated behavior. Second, one could have noticed a considerable degree of incoherence in the opposition's behavior – taking into account all of the bills that bred oppositional voting, PiS and Lewica/SLD acted (more or less) similarly decidedly less often than they behaved to the contrary. Clearly, the most consistent oppositional behavior was exhibited by PiS. Third, only rarely did the governing coalition's representatives behave incoherently, which justifies the conclusion that this coalition was integrated to a considerable degree. The governing coalition's coherence and the lack of such coherence among the groupings forming the opposition was certainly a factor that had weakened the opposition during the discussed parliamentary term.

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