

**COHESION WITHOUT DISCIPLINE:
PARTY VOTING IN THE HOUSE OF LORDS**

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ABSTRACT

The British House of Lords constitutes an ideal chamber for the purposes of studying party cohesion. It is a chamber in which the political parties lack the constraints and incentives that in other legislative chambers normally constitute the means available to ensure party unity. Analysis of voting behaviour in the House of Lords demonstrates a high level of cohesion. There is no evidence to sustain institutional explanations of cohesion. The most plausible explanations are sociological, socialisation to party norms occurring prior to arrival in Parliament.

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The two chambers of the British Parliament have particular value in an analysis of cohesion and dissent. As Reuven Hazan has argued in the introduction to this edition, the two concepts are analytically distinct. What is clear from the introduction is that discipline is not a sub-set of cohesion. Equally, discipline covers a number of constraints and incentives designed to produce a particular type of behaviour. These disciplinary tools may be employed by different actors and, consequently, they may work in conflict rather than unison. Thus, for example, members of the House of Commons (MPs) may be subject to certain pressures to support the party leadership in a parliamentary vote. Their local party members – with the power to determine their re-selection as party candidates – may press them to vote against the party leadership. In 2003, for example, Labour MPs were expected by the party leadership to support its line on UK support for military action in Iraq. A number of Labour MPs ran into conflict with their local parties because of their support for military action. The use of disciplinary powers, therefore, does not necessarily induce cohesion.

The House of Commons is far from unique in demonstrating this point. The other chamber, the House of Lords, is unique in its value. It allows us to test for cohesion in what is essentially a discipline-free environment.

THE HOUSE OF LORDS

The House of Lords does not enjoy the powers of the first chamber but it nonetheless has an important role in the legislative process.¹ Its assent is required to bills, though the refusal to give assent may, in certain circumstances, be over-ridden by the first chamber, the House of Commons. It devotes most of its time to legislative revision, examining the detail rather than the principle of bills. (Each year, it makes several thousand amendments to bills, the vast bulk of them acceptable to the House of Commons.)² It has a number of other functions, including those of administrative oversight and debate. It can discuss issues that the other

House often does not have the time to consider. By doing so it can also fulfil a limited role of agenda setting, bringing new issues on to the political agenda.

As such, the House of Lords exhibits characteristics that can be found in other second chambers. It also shares a characteristic with a number of other second chambers in that is an appointed chamber: no member serves by virtue of having been directly elected. What renders it unique among Western legislatures is the fact that, until 1999, most of its members sat by reason of having inherited their seats. Approximately two-thirds of the membership comprised hereditary peers (members who inherited their seats on the death of their titled fathers).³ The rest were life peers – those appointed for life, their titles disappearing upon their death – plus 26 senior members of the Church of England, who served while they held their posts. For most of the 1990s, the membership was around 1200. (In October 1999 it reached 1,330, the highest figure ever recorded.)⁴ There was and is no limit on the number of members. Under the provisions of the House of Lords Act 1999, all but 92 hereditary peers were excluded from membership. At the start of the new parliamentary session in November 1999, the membership stood at 666. The number has since increased with the creation of new life peerages. At the beginning of 2003, the membership stood at 693.⁵

Given the unique characteristics of the House of Lords, it thus appears of little use for comparative purposes. However, as we shall see, it renders it a valuable source of research. It allows us to analyse the extent of party cohesion free of the constraints of party discipline. Although the House has a developed party organisation, it lacks the constraints and incentives that form the essential tools of party discipline. Though most peers belong to a party, they are free of the dictates of party discipline. There are no electoral constraints: members are not elected. There are no parliamentary constraints: members serve for life and are not subject to removal or sanctions. Given that, how they vote allows us to test the sociological and institutional explanations outlined in the introduction. If there is a high level of cohesion – that is, members voting loyally with their party in a discipline-free environment – then that

provides support for the sociological explanations. If there is a low level of cohesion, then that lends support to the institutional explanations.

PARTY ORGANISATION

On the face of it, the organisation of the House of Lords suggests it should be amenable to discipline. There are party groups. There is party organisation. Each party has a leader and front-benchers. Each party has whips. The party in government has usually a chief whip, deputy chief whip and five whips.⁶ The main opposition party usually has a similar number. The chief whip of each party issues a weekly written whip when the House is sitting. The weekly whip is similar to that issued by whips in the House of Commons, with underlining indicating the importance of an issue. On major issues on which the parties want as full a turnout of supporters as possible, a three-line whip is issued.

As in the House of Commons, whips are now able to keep in touch with members through the use of pagers, though the practice is much more extensive on the Labour benches – that is, the government side of the House – than it is on the Conservative benches. Government whips page members when the whip is off. Whips sometimes stand by the doors leading to the chamber when a vote is called, indicating to members which lobby they should vote in.⁷ When a whip is operating, a government whip sits by the fireplace in the Prince's Chamber – the ante-chamber to the main chamber – keeping an eye on peers coming and going and available to give guidance. This is known as 'gate duty'.

Also facilitating discipline – and making analysis of cohesion possible – is the fact that, when votes are forced, voting is open. As in the House of Commons, members vote by trooping into lobbies either side of the chamber. They are counted by tellers (usually whips) as they pass through and their names ticked off by clerks. The names are published in the next day's official report (*Hansard*) – available on the Internet⁸ – and attached to the Minutes of

Proceedings. Though there are fewer divisions than in the House of Commons – usually between 100 and 200 divisions per session⁹ – practice follows that of the Commons in that it takes only three members to force a division. When the occupant of the chair ‘collects the voices’ and opposition to the majority voice is maintained, a vote takes place: two tellers are appointed on each side. (A third member needs to remain in the chamber to shout again when the question is put a second time.) Votes – in effect, roll call votes – are thus more frequent than in many legislatures. This provides us with a substantial volume of hard data to analyse. It is also politically significant: how a member votes is a matter of public record. It is not hidden in a voice vote or in a secret ballot. The Government Chief Whip has details electronically available of how peers have voted.

We thus have party organisation in the House. There is body of peers – known as cross-bench peers – who have no party alignment. They have some degree of organisation: they elect a convenor and hold a weekly meeting (they even have their own website, the only grouping in the House to have one),¹⁰ but there is no line taken on issues and no underlining in the weekly notice of business.

The cross-bench peers apart, we have the basis for assuming the capacity for party discipline. However, the party structure belies the political reality. Leaders and whips – and the party organisation outside the House – lack the sticks and carrots that form the basis of discipline.

THE ABSENCE OF DISCIPLINE

Parties are well organised but the whips are like police officers operating in a jurisdiction where they have no weapons, no formal powers and no courts! The parties lack the sticks (constraints) and the carrots (incentives) usually available to their counterparts in other legislative chambers, including the House of Commons.

The lack of sticks

There is a notable absence of sanctions that can be deployed against peers who fail to toe the party line. The sanctions usually presumed to be at the disposal of parties are those identified in the introduction: electoral and parliamentary.

The electoral sanctions, at the individual level, are those of denying re-selection or, extending beyond the party, denying re-election. None of these sanctions apply in the case of members of the House of Lords. Members serve for life. There are no formal means by which a member can be removed from membership, other than by statute (as happened with the removal of the hereditary peers). Peers have no constituency party activists or electors to consider because they have no constituencies. Peers do not serve in the House in a representative capacity. Their writs of summons are personal. That is, they speak for no one but themselves. This applies even to Archbishops and Bishops: though serving by reason of their office in the Anglican Church, they speak only for themselves as individuals and not for the church.

The party leaders have some element of control over who goes into the House of Lords. That influence is proportionally greater now that most hereditary peers have been removed from membership. However, once appointed, peers are essentially free agents. They may feel some obligation to the leader who put their name forward, but this may not be the current party leader. Some members of the House have served for thirty or forty years, a few for even longer. (The longest serving member in 2003, Lord Jellicoe, took his seat in the House in 1939.) The number of members owing their membership to the current party leaders is thus limited and any obligation felt may be described as existing in honour only. There are, for example, just over 200 Conservative peers in the House. Fewer than 20 are members because they were proposed for membership by William Hague (leader 1997-2001) and none by the present party leader, Iain Duncan Smith. (The proportion of Labour peers appointed

by the current Prime Minister, Tony Blair, is substantially greater, a consequence of trying to ensure that there are as many Labour as there are Conservative peers.) The party leaders have no control over re-selection as the concept is an irrelevant one: there is no re-selection.

The sanction that could be deployed at the collective level is that of calling a general election. The government rests upon the confidence of the House of Commons. If it is defeated in a vote of confidence, the Prime Minister tenders the government's resignation or requests a dissolution of Parliament. The government is free to designate any vote as a confidence vote, signalling that if defeated it will resign or seek a dissolution. Far from constraining government, the power to request a dissolution is seen as weapon in the Prime Minister's arsenal. It is seen as a powerful means of ensuring compliance by dissident back-benchers. Back-bench MPs are reluctant to bring down their own government, knowing that they will be blamed for it and potentially putting their own chances of re-selection and re-election at risk. Seeking a dissolution, however, is not a sanction that can be deployed in dealing with dissident peers. The government does not rest for its continuance in office on the confidence of the House of Lords. Consequently, motions of confidence have not normally been moved in the House. In the past decade, there have been two occasions when the Opposition has moved a motion expressing lack of confidence in government. Neither was carried but if they had been they would have had no effect.

There are thus no electoral sanctions that can be deployed. Peers operate independent of the electoral process. They also exist free of parliamentary sanctions. Though peers may have the party whip withdrawn (in effect removing them from membership of the parliamentary party), it is a sanction with little or no consequence. Withdrawal of the whip does not, and cannot, equate with removal from membership of the House. A peer cannot be excluded from membership by the parties or by the House itself. The parties cannot even prevent a peer from sitting with members of a party group, even though suspended from that group. Peers are formally free to sit wherever they wish in the chamber.¹¹ Nor can the whips take action

that would deprive dissident peers of their salaries or their right to participate in parliamentary debates and activities. Peers receive no salaries: they are entitled only to claim certain allowances to enable them to attend the House.¹² The House is a self-regulating one, power resting ultimately with peers collectively. Whips have no influence over who speaks in debates: in set-piece debates, peers sign up in advance and their names appear automatically on the speakers' list for the day.

The sanctions that can be deployed against dissident back-benchers in the House of Commons are thus not available to the whips in the House of Lords. In so far as the whips in the Lords have sanctions, they are best characterised as twigs rather than sticks. The Chief Whip may write 'a sorrowful note' to a peer who defies the party line.¹³ A somewhat stronger letter may be sent to a persistent or serious dissenter by the party leader. The Chief Whip or another whip may remonstrate with a peer, criticising them for their actions, but there is little the whip can say by way of threat. (On one occasion, a peer who was berated by a whip simply argued back, declaring 'how dare you speak to me like that?' and subsequently elicited an apology.)¹⁴ Given their limited utility, such twigs are rarely employed.

In so far as there is a significant threat it is not one that is formal or within the gift of the whips, and that is the threat of social ostracism. This does not appear a powerful threat in the House of Lords, or at least not as powerful as in other legislatures where members are full-time and in regular attendance. The impact is lessened also by the way that social interaction is structured in the House – whereas members in the House of Commons traditionally dine on a party basis, dining in the Lords is less party orientated. Members who are dining alone, for example, join a long table, by tradition sitting next to who is already at the table. This ensures a great deal of inter-action on a non-party basis. It adds to the collective ethos of the House while militating against a strong party ethos.

The absence of carrots

The parties lack the carrots at the disposal of party managers in other legislative chambers, including the House of Commons: those of patronage, committee assignment, and resource allocation.

Patronage can encompass two types of preferment. One is the offer of government office. The other is a particular honour or patronage appointment, such as chairmanship of some public body. The offer of government office, or the potential to be offered office, is a powerful weapon in the House of Commons, where the career politician has become a predominant feature.¹⁵ For those ambitious for ministerial office, election to the House of Commons is necessary but not sufficient. The sufficient condition is that of impressing party leaders as to one's qualifications for office. Party whips are often keen to impress on wavering MPs that this includes loyalty to the party. Even though objectively this is not necessarily the case (rebels who are able are often promoted above loyalists who are not particularly able) it is the perception that is important. MPs are often not prepared to take the risk of voting against their own side if there is a possibility that this will threaten their career advancement.

MPs may also seek some patronage, such as a knighthood. This is particularly the case on the Conservative benches, where knighthoods are often bestowed on those who have been in the House for a quarter-century or more or those who have left office. They may, looking to the future, seek a peerage, thus enabling them to continue a parliamentary career. Though those who have held senior Cabinet office can normally look forward to the offer of a peerage (though there have been notable exceptions), backbenchers cannot necessarily assume that such an offer will be made. They may therefore be very accommodating to the wishes of the party leader and the whips, especially as their career in the Commons draws to a close. This applies to both Labour and Conservative MPs. In the run up to the 1997 general election, a number of Labour MPs were persuaded to step down with the offer of a peerage.

These weapons are basically not available to party leaders in the House of Lords. Members of the House exhibit little ambition for government office. Some are not interested in office since they have already held it and, like a large number of other members of the House (a consequence of life membership), are at an age when they would not be considered for office. (The average age of members is in excess of 65 years.) Others are not interested because they have posts that they are not prepared to give up. People in established positions in society – on the basis of which they may have been elevated to the peerage – are not necessarily keen to give up established, secure, productive and well-paying jobs for junior ministerial posts. Ministerial office involves long hours, modest pay, critical scrutiny by political opponents and the media, and has an element of insecurity built into it. There is also little opportunity for promotion to the Cabinet, only two members of the House (the Lord Chancellor and the Leader of the House) automatically serving in the Cabinet.¹⁶ During the period of Conservative government from 1979 to 1997, government whips sometimes had difficulty identifying peers who were willing to serve as ministers. Serving on the Opposition front bench offers limited kudos and (other than for the leader and chief whip) no pay.

Other forms of patronage have limited utility. Members of the House are peers of the realm: there is little beyond this by way of patronage. One is a lord (or lady) and enjoys, formally, a high place in the order of precedence in the state. There is little beyond that than can be offered that has much appeal. Peers could be offered particular public positions, such as the chairmanship of a particular body, some permanent (such as the Press Complaints Commission) or temporary (such as a Royal Commission) and a number are. The chairmanship of public inquiries is often offered to a law lord: that is, someone who operates outside the content of party politics. There is a tendency for the chairmanships of Royal Commissions and other public bodies to be offered to non-political figures or members of opposition parties. The Royal Commission on the Reform of the House of Lords, for example, established by the Labour government in January 2000 was chaired by a

Conservative peer, former Cabinet minister Lord Wakeham. Such appointments may also have limited appeal to many peers: they are often time-consuming and involve little by way of remuneration. By accepting such an appointment, a peer may be doing the government a favour, rather than the other way round.

Committee assignment is also a limited tool at the disposal of the whips. Committees are not usually employed for legislative scrutiny, the committee stage of bills being taken on the floor of the House or in Grand Committee, which any peer can attend. The House does have a number of select committees (set up to examine particular subjects), the number having increased in recent years.¹⁷ However, the incentive to serve on committees is limited. Select committees are advisory. There is no value in seeking membership of a committee in order to channel benefits to one's district. Committees cannot dispense benefits and members have no districts. Membership is essentially to the benefit of the House and not individual members. Because members frequently have careers and commitments outside the House – the House is essentially a full-time House of part-time members – they do not always have the time available to serve. Committee membership is recommended to the House by a Committee of Selection, the Committee acting usually on the advice of the whips. Members may be invited to indicate through the whips if they wish to be considered for a particular committee but, in practice, the whips variously have to be pro-active in order to ensure that appropriate peers are willing to serve. The convention is that peers are appointed on the basis of their particular experience or expertise appropriate to the subject of the committee. Given that the Select Committee on the European Union (EU) operates through six sub-committee, each sub-committee having a majority of co-opted members, about 60-70 peers are involved in the scrutiny of EU legislation. Attracting enough qualified peers is a major task. Experts in a particular field are thus more likely to be approached by the whips, or the chair of the relevant committee, to invite them to serve on a committee than they are to push their own names forward.¹⁸

Resource allocation is also a limited power at the disposal of the whips. Some resources, such as personal computers, are allocated as of right, independent of the whips. All peers have access to the research facilities available through the library of the House. The principal power of the whips is the allocation of rooms. However, resources are limited in the House, with peers generally having to share offices. Whips thus allocate desk space and one desk space is not necessarily much different to another. There is also now enough desk space for each peer to have a desk. The extent to which space allocation is a limited weapon in the whips' armoury is reflected in the fact that when additional desk space became available in 2001 through the acquisition of a building close to the Palace of Westminster, the supply of offices in the building exceeded demand. Peers generally preferred to stay in their rooms in the Palace of Westminster.

The sanctions and incentives generally identified as being at the disposal of party managers in the House of Commons and in other legislatures are thus not available to party managers in the House of Lords. The sanctions and incentives at the disposal of the party outside the legislature are also lacking. We thus have a remarkable institution: essentially a discipline-free legislative chamber.

PARTY VOTING

How, then, do peers vote in this discipline-free environment? All contested votes in the House of Lords are, as already indicated, roll-call votes. We thus have data that are both hard and comprehensive. We have analysed the voting behaviour of peers in all divisions in three consecutive recent sessions: 1999-2000, 2000-2001 (a short session because of the calling of a general election), and that of 2001-2002 (a long session following the 2001 general election). The data across the three sessions allow us to identify whether peers vote mostly along party lines or not.

We confine ourselves initially to those votes on which the parties took a party stance. As not all divisions are anticipated, and some are forced by back-benchers, it is not possible to determine if all are whipped on both sides of the House. Some divisions forced by back-benchers on the opposition benches, for example, have party support, even though the whips may not act as tellers. We have therefore taken those votes in which the Government has taken a clear stance and appointed tellers and peers have the option of voting for or against the government.

Table 1 shows the number of divisions in which one or more peers have entered a different lobby to the majority of their colleagues. There are three generalisations that can be drawn. First, party cohesion is not complete but it is high. In more than seven out of every ten divisions held in the House, there is complete party cohesion: that is, not one peer in receipt of a party whip votes against his or her party colleagues.

Second, the percentage of divisions witnessing members voting against their own side is not markedly higher than witnessed in some sessions in the House of Commons. In the 1997-2001 Parliament, the number of divisions witnessing intra-party dissent in the Commons was, broken down by party: Labour 7.5%, Conservatives 12.7% and Liberal Democrats 2.3%.¹⁹ Only the figures for Labour MPs are somewhat out of line with those for the House of Lords and, as Philip Cowley notes, the Labour figure in the Commons ‘was itself a very low figure’ compared with earlier Parliaments.²⁰ In earlier Parliaments, from 1970-74 to 1987-92, the total number of divisions witnessing intra-party dissent in the Commons ranged from 19 per cent to 28 per cent.²¹

Third, there are party variations. The Labour Party – the party in government – experiences more occasions of intra-party dissent than the Conservative and Liberal Democratic parties. (As the foregoing figures reveal, it also experiences more occasions of intra-party dissent than in the Commons.) The Liberal Democrats are, as in the House of Commons, markedly more

cohesive than the other parties. In the 1997-2001 Parliament, when there were 1,279 votes in the House of Commons, some Liberal Democrat MPs dissented from their colleagues on only 30 occasions.²²

TABLE 1 Number of divisions witnessing intra-party dissent 1999-2002

<i>Party</i>	<i>Session</i>		
	<i>1999-2000</i> <i>[n=186]</i>	<i>2000-2001</i> <i>[n=34]</i>	<i>2001-2002</i> <i>[n=160]</i>
Conservative	13 (7%)	4 (12%)	22 (14%)
Labour	36 (19%)	6 (18%)	31 (19%)
Liberal Democrat	6 (3%)	1 (3%)	11 (7%)
TOTAL*	42 (23%)	8 (24%)	47 (29%)

** Does not equal sum of above columns as some divisions involve intra-party dissent by members of more than one party.*

The extent to which peers vote loyally with their parties is further demonstrated when we look at the size of the dissenting lobby on each occasion. Table 2 shows the number of peers who have dissented in the divisions shown in Table 1. As can be seen, the number of peers voting against the party line is usually a small one. The size of the dissenting Labour lobbies is notably smaller than the size of dissenting Labour lobbies in the House of Commons.²³

TABLE 2 Size of dissenting lobbies, 1999-2002

	NUMBER OF DIVISIONS		
	<i>SESSION</i>		
	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>
<i>Number of Peers voting against party line</i>	<i>Con Lab LD</i>	<i>Con Lab LD</i>	<i>Con Lab LD</i>

1	9	17	6	2	4	1	14	16	6
2	2	6	0	0	1	0	3	7	5
3	1	6	0	0	1	0	1	2	0
4	0	0	0	1	0	0	1	2	0
5	1	2	0	0	0	0	1	0	0
6	0	0	0	0	0	0	1	1	0
7	0	0	0	0	0	0	0	0	0
8	0	1	0	0	0	0	0	1	0
9	0	0	0	1	0	0	1	0	0
10	0	0	0	0	0	0	0	0	0
More than 10	0	4	0	0	0	0	0	2	0

The number of peers voting against the party line is, on the majority of occasions, one or two. Frequently, the dissenting member or members are those who dissented in previous lobbies. In the 1999-2000 session, for example, the number of Conservative peers who cast dissenting votes (out of a total of 227 Conservatives who voted once or more during the session) was 16. The number of dissenting Labour peers (out of 190 who voted during the session) was 48. Out of 147 dissenting votes cast in the session, 57 were accounted for by eight peers (Table 3). Thus, as in the House of Commons, there were a number of ‘usual suspects’. Their numbers were complemented on occasion by other peers, but the numbers involved were usually small, both in terms of the number of occasions and the number of peers.

TABLE 3 Leading Rebels, 1999-2000 Session

<i>Name</i>	<i>Number of votes cast against the party line</i>
Lord Stoddart of Swindon [Lab]	18
Lord Shore of Stepney [Lab]	8
Lord Mason [Lab]	8
Lord Cocks [Lab]	8
Lord Longford [Lab]	5
Lord Stallard [Lab]	5
Lord Norton of Louth [Con]	4
Lord Desai [Lab]	4

Party whips can thus normally assume that when a party line is taken, the overwhelming majority of their supporters present in the Palace of Westminster will troop into the lobby.

The figures in Table 2 do not take into account the number of peers casting dissenting votes in relation to the total number of party members voting. When we factor these in, expressing the results in terms of the Rice index of cohesion, we find confirmation of an extraordinarily high level of cohesion (Table 4).

The Rice Index is calculated as the ‘proportion of the group comprising the group majority on a roll call *minus* the proportion comprising the group minority.’²⁴ Thus if members of one party split evenly, it is 50% minus 50% = 0. If all members vote in one lobby, then it is 100% - 0% = 100. Total cohesion is thus represented by a score of 100. Table 4 emphasises the extent to which the parties come close to total cohesion. The Conservative figure dips somewhat in 2001-2002, the consequence of a small turnout in some divisions, thus enhancing the proportional impact of those voting against their colleagues. However, even these figures – which remain high – do not necessarily do full justice to the willingness of peers to respond to the preferences signalled by the party whips. In some of the divisions included in the data are some where, though the Government has taken a position, the Opposition has not expressed a strong preference and given a weak or non-existent voting cue to Conservative peers.

TABLE 4 **Party Cohesion 1999-2002: Rice Index**

<i>Party</i>	<i>Rice Index of Cohesion</i>		
	<i>Session</i>		
	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>
Labour	98.2	99.5	99.0
Conservative	99.5	99.3	96.0
Liberal Democrat	99.7	99.8	98.9

EXPLANATIONS

Why do peers vote cohesively, and unforced, in party groups? As detailed in the introduction, there are sociological and institutional explanations. The analysis of voting in the discipline-free House of Lords shows that, independent of identifiable constraints and inducements, members vote with fellow-party members. Given that there are no explanations attributable to discipline, as defined in the introduction, the only other rational explanations are that members vote as they do because they agree with their party on the issues in question or, at least, do not disagree with their party on the issues in question.

There is little evidence to support either explanation. What evidence there is, derived from attendance and voting data and from participant-observation, undermines both. Speeches in the chamber can affect voting behaviour (a claim rarely made about the House of Commons) and, given the variability in peers' attendance, this may be sufficient to affect the outcome of a vote.²⁵ Attendance in the chamber has increased over the years, and is generally much higher than in the House of Commons. Despite this, when a division is called, far more peers enter the chamber to vote than are already in the chamber.²⁶ In other words, most of those who vote will not have heard the debate. Participant-observation also suggests that many peers are unaware of the issue on which the vote is taking place: they simply follow the guidance of the whips. Indeed, in the present Parliament, when the division bells sound, Conservative peers head usually for the 'Content' lobby, since the division is usually forced by the Opposition in support of an Opposition amendment, and Government supporters head for the 'Not Content' lobby. Government whips have to be especially active and vigilant if it is a Government amendment and Labour peers have to be steered in the direction of the 'Content' lobby. It is not uncommon to hear peers ask what the vote is about when they are already in the voting lobbies.

There is thus nothing to support the behavioural or electoral explanations for a high level of cohesion. In the discipline-free environment of the House of Lords, peers vote with their

party not because they feel they *have* to, nor – as far as we can ascertain – because they have rationally thought through the issues on which they vote. As far as can be ascertained, peers vote loyally with their party because they *want* to and the motivations for doing so appear to be extra-parliamentary. There appears to be a significant degree of prior socialisation. However, that prior socialisation appears to derive from something other than a shared background or experiences.

Members of the House of Lords are appointed for different reasons and are drawn from different backgrounds.²⁷ Some members enter the House on the basis of party nomination (appointed as ‘working peers’ to contribute actively to the work of the House); others are elevated to membership because of having held high positions in the country or having contributed to national life through leadership in particular fields (the arts, sciences, industry and the like). Though those nominated by a party will have in common membership of that party, there is little otherwise that unites them. Not all members nominated by a party will have a political background: the parliamentary parties include, for example, members who are leading novelists, architects, television producers and presenters who have held no party positions, as well as those – such as former MPs – who have. Nor is there evidence that members are nominated on the basis of having given commitments as to their voting behaviour in the House. Under the Labour Government returned in 1997, peers have been briefed by the Chief Whip as to the commitment expected of them to attend the House²⁸ but there is little that can be done in respect of voting behaviour. There has been no such briefing of Conservative peers. Indeed, when this writer was approached about accepting a peerage, it was essentially as an afterthought that he was asked: ‘Oh, you will take the Conservative whip, won’t you?’

Though various groupings can be identified that one might expect to exhibit greater degrees of party loyalty than another – such as, say, former MPs – the essential point is that loyalty is a feature that transcends the membership of each party in the House. Peers, regardless of

their background prior to entering the House, are likely to vote for their party whenever a division is called. This is not to argue against a sociological explanation but rather the reverse: our findings point to the significance of what, in effect, constitutes a form of tribal loyalty. It derives from no shared experience or common background but from an emotional or intellectual commitment to a particular party. Once in the House, they vote instinctively with 'their' party.

CONCLUSION

A number of conclusions derive from our study. An analysis of the House of Lords demonstrates the utility of the distinction drawn between cohesion and discipline. Behaviour in the House of Lords displays a high level of cohesion without discipline. Peers are able to operate free of the constraints and incentives available to the party leadership, activists and voters in other countries. There are no institutional, or behavioural, explanations for this cohesion. Members enter the House predisposed to vote for their party and they do so. Because the Government enjoys no majority in the House, it is vulnerable to defeat. It therefore has to work hard to carry the House with it. What this entails is not necessarily persuading members individually of the value of their case but rather persuading the parties in the House: members will follow the cues of their party leaders. The whips serve to facilitate cohesion but are not the cause of it.

One study of voting in the House of Commons found that, on free votes (that is, when the whips do not operate), party remained the most powerful predictor of voting behaviour. As the authors of the study concluded:

...the analyses reported here suggest that, even when freed from those constraints [of the whips], MPs' first instinct is still to vote with their fellow party members. They are creatures of habit: like salmon crossing the ocean to spawn in the river where they

hatched, MPs tend to follow pre-set routes, even when there is nothing to force them to do so.²⁹

Peers in a discipline-free environment do the same.

¹ The standard text on the House of Lords is D. Shell, *The House of Lords*, 2nd edn (London: Harvester Wheatsheaf, 1992). On the work of the House, see D. Shell and D. Beamish, *The House of Lords at Work* (Oxford: Clarendon Press, 1993).

² In the parliamentary session of 1999-2000, for example, a total of 4,761 amendments to bills were secured in the House of Lords.

³ Fathers in virtually though not quite all cases. Under the 1958 Life Peerages Act, women could be appointed as life peers, but not until the 1963 Peerages Act were women who inherited titles (and few titles were eligible to pass through the female line) able to take their seats in the House.

⁴ House of Lords, *Annual Report and Accounts 1999-2000* (London: The Stationery Office, 2000), p. 5.

⁵ Of these, 12 were on leave of absence: in effect, they were voluntarily excluding themselves from the activity of the House.

⁶ Late in 2002 a sixth whip was appointed.

⁷ Government whips especially do this when government supporters are asked to vote in a different lobby to that which they normally vote in. Most votes are on non-government motions so government supporters usually head for the Not Content lobby.

⁸ The website is www.parliament.uk/hansard/hansard.cfm

⁹ The number of divisions in recent non-election years, for example, has been: 111 (1996), 161 (1998), 101 (1999), and 189 (2000). (In election years, there are fewer divisions because the House does not sit as long as in other years: in 1997 there were 78 divisions and in 2001 there were 82.) The figures are per calendar year (Jan. to Dec.) rather than parliamentary session (Nov. to Oct.). These figures are different to those used for later analysis, which are based on sessions and are confined to divisions in which the government took a position.

¹⁰ www.crossbenchpeers.org.uk

¹¹ In 1999, one Conservative peer – Lord Archer of Weston-super-Mare (the novelist Jeffrey Archer) – was expelled from the Conservative party for a period of five years. After a short period of not attending, he resumed his attendance and, prior to being convicted and imprisoned for attempting to pervert the course of justice, sat where he had previously sat on the Conservative benches. A Labour peer, Lord Stoddart of Swindon, had the Labour whip withdrawn from him, after being expelled from the Labour party for supporting a non-Labour candidate in the general election, but continued to sit in his usual place on the Labour benches.

¹² Peers can claim only allowances to cover the cost of travel, accommodation, subsistence, and secretarial costs. Other than for travel, they are subject to specified maximum limits.

¹³ The Rt. Hon. Lord Carter, Government Chief Whip, to author, 15 Feb. 2001.

¹⁴ Labour peer to author, 1 Nov. 2000.

¹⁵ A. King, 'The Rise of the Career Politician in Britain – and its consequences', *British Journal of Political Science*, Vol. 11, 1981, pp. 249-85; P. Riddell, *Honest Opportunism* (London: Hamish Hamilton, 1993).

¹⁶ This is the minimum and nowadays usually the maximum number of peers appointed to Cabinet. A Prime Minister may exceptionally appoint peers to other Cabinet posts. Margaret Thatcher did so. Tony Blair did so, briefly, in 2003 when Baroness Amos served as Overseas Development Secretary before becoming Leader of the House.

¹⁷ Three established committees – European Union, Science & Technology, Delegated Powers and Regulatory Reform – were joined in 2001 by a Constitution Committee, an Economic Affairs Committee, and a Joint Committee on Human Rights.

¹⁸ For example, I was approached (by the Chairman of the Committee) to serve on Sub-Committee E of the EU Committee in 1998 and then (through the Chief Whip) in 2000 to be chairman of the new Constitution Committee, my name having been suggested by the Government Chief Whip.

¹⁹ Calculated from P. Cowley, *Revolts and Rebellions* (London: Politico's, 2002), pp. 211-212.

²⁰ Cowley, *Revolts and Rebellions*, p. 212.

²¹ P. Cowley and P. Norton, *Are Conservative MPs Revolting?* Research Papers in Legislative Studies, 2/96 (Hull: Hull University Centre for Legislative Studies, 1996), p. 16.

²² Cowley, *Revolts and Rebellions*, pp. 211-212.

²³ Cowley, *Revolts and Rebellions*, pp. 90-91. See also P. Cowley and P. Norton, with M. Stuart and M. Bailey, *Blair's Bastards: Discontent within the Parliamentary Labour Party*, Research Paper 1/96 (Hull: Hull University Centre for Legislative Studies, 1996).

²⁴ A. R. Clausen, 'Some Basic Approaches to the Measurement of Roll-Call Voting' in D. M. Freeman (ed), *Foundation of Political Science: Research, Methods, and Scope* (New York: The Free Press, 1977), p. 338, cited in T. Saalfeld, 'The West German Bundestag after 40 Years: The Role of Parliament in a "Party Democracy"', in P. Norton (ed), *Parliaments in Western Europe* (London: Frank Cass, 1990), p. 73.

²⁵ I write, as a participant-observer, as someone who has been influenced in my voting behaviour in the House by speeches made in the chamber.

²⁶ When present, I maintain a note of the number of peers present in the chamber. The number is usually far less than a quarter of the number taking part when a division is called.

²⁷ The removal of most hereditary peers in 1999 lessened a particular bias towards landowners among the membership. Though there is a bias towards those drawn from the public services, such as the civil service and the armed services, there is nonetheless a breadth of occupational background among the membership.

²⁸ The Rt. Hon. Lord Carter, Government Chief Whip, to author, 15 Feb. 2001.

²⁹ C. Pattie, R. Johnston and M. Stuart, 'Voting Without Party?' in P. Cowley (ed), *Conscience and Parliament* (London: Frank Cass, 1998), p. 162.