

None of the Above: The UK House of Commons Votes on Reforming the House of Lords, February 2003

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THE preamble to the UK's Parliament Act 1911 (1 & 2 Geo. 5 c.13) states that that Act is a temporary measure only:

Whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but substitution cannot be immediately brought into operation . . .

Attempts to bring the substitution into operation in 1949 and 1968 failed. The Labour Party's 1997 manifesto states:

The House of Lords must be reformed. As an initial, self-contained reform, not dependent on further reform in the future, the right of hereditary peers to sit and vote in the House of Lords will be ended by statute. This will be the first stage in a process of reform to make the House of Lords more democratic and representative.¹

The first stage of reform was enacted in 1999, although ninety-two hereditary peers remained. The Royal Commission on the Reform of the House of Lords (Cm 4534/2000) recommended that the second-stage house should have a small proportion of elected members—its preferred option was 87 out of 550 (16 per cent), elected from regional lists. A commitment to reform the second chamber to make it 'more representative and democratic' and to implement the Royal Commission's proposals 'in the most effective way possible' was in the Labour Party's 2001 manifesto. The subsequent government White Paper *The House of Lords: Completing the Reform* (Cm 5291/2001) recommended that 120 out of 600 (20 per

cent) of the members of a future house be elected, but rejected the Royal Commission's proposal that all appointed members be chosen by an independent appointments commission.

This White Paper had a poor reception. The Lord Chancellor's Department, which issued it, later analysed the responses to it. Of the 82 per cent of respondents who discussed election, 89 per cent 'called for a house that was 50 per cent or more elected'. Of the 17 per cent of respondents who discussed the future of the Church of England bishops, 85 per cent opposed their continued presence in the house. Of the 12 per cent of respondents who discussed the law lords, 72 per cent thought they should leave the house.²

Its parliamentary reception was no better. An early day motion (EDM) calling for a 'wholly or substantially' elected house attracted 303 signatures. The Public Administration Select Committee issued a unanimous report, pointedly entitled *The Second Chamber: Continuing the Reform* (HC 494-I, Session 2001–02), which called for a predominantly elected second chamber. The government withdrew its White Paper and turned the matter over to a joint committee of both houses, comprising twelve MPs and twelve peers. It charged the joint committee with proposing a range of options, to include all-elected and all-appointed, and announced that these would be subject to a free vote in both houses.

The committee issued its first report in

December 2002, for debate in each house in January and votes in February 2003. In the run-up to the debate, first the Lord Chancellor (Lord Irvine of Lairg) and then the Prime Minister let it be known that they opposed a partly elected House of Lords on the grounds that it would be a hybrid of elected and appointed members. This was a new objection, which had not appeared in the Royal Commission report, nor in either of the government White Papers. The second of those White Papers had followed the Royal Commission's lead in proposing a hybrid upper house, and had emanated from Lord Irvine's department.

On 4 February 2003, both houses voted on the seven resolutions put forward by the joint committee. In the order in which they were presented in the Commons, they proposed that the future upper house be:

- wholly appointed;
- wholly elected;
- 20 per cent elected and 80 per cent appointed;
- 80 per cent elected and 20 per cent appointed;
- 40 per cent elected and 60 per cent appointed;
- 60 per cent elected and 40 per cent appointed, and
- 50 per cent elected and 50 per cent appointed.

A group of MPs added the eighth proposition that the House of Lords be

abolished and that the Commons become a unicameral parliament. The Speaker accepted this as an amendment to the 'zero elected' proposition, and the vote on this was taken first.

The almost wholly appointed House of Lords voted for a wholly appointed upper house by a substantial margin, and defeated the six options for election, each by a substantial margin. In the Commons, the amendment to abolish the upper house was defeated by 392 votes to 174. In succession, each of the seven composition resolutions was then also defeated. The proposals for 20 per cent, 40 per cent and 50 per cent elected were defeated without divisions. Table 1 summarises the Commons results. As 595 MPs voted on at least one of the contested propositions, we determine the vote on the three propositions rejected without divisions as 595–0 against. Table 1 lists the propositions in order of the proportion to be elected, not in the sequential order of voting.

This was a surprising result. Robin Cook, Leader of the House, who in opening the debate had suggested 'it is in the interest of the other place, as well of this Chamber, that we reach a clear decision this evening on the way forward to reform of the second Chamber,' advised Members to 'go home and sleep on this interesting position'.³ The joint committee was left rudderless.

The outcome contradicts the wishes of the elected house. The Commons voted

Table 1: Votes in the House of Commons (including tellers) on Lords reform, 4 February 2003

	<i>Abolish</i>	<i>Elect zero</i>	<i>Elect 20%</i>	<i>Elect 40%</i>	<i>Elect 50%</i>	<i>Elect 60%</i>	<i>Elect 80%</i>	<i>Elect all</i>
Aye	174	247	0	0	0	255	283	274
Did not vote	29	23	0	0	0	22	26	30
No	392	325	595	595	595	318	286	291
Majority	-218	-78	-595	-595	-595	-63	-3	-17

Base: All who cast at least one vote; $n = 595$.

Source: Division lists in *Hansard* (online version) for 4 February 2003.

against a wholly appointed upper house by 325 to 247 (an absolute majority of those present). But the outcome is that a wholly appointed upper house continues, albeit with the leaven of ninety-two hereditary peers and a number of law lords and bishops. By defeating eight resolutions to amend the status quo, the Commons was left with the status quo—but the status quo is barely distinguishable from one of the eight defeated outcomes, and one of the more decisively defeated at that. This was an unusual parliamentary occasion, in that the House of Commons was being given the opportunity (at least ostensibly) to express a free opinion on a major policy issue which was not an obvious matter of conscience. The vote was not subject to the normal rigours of party discipline.

This article explores how the occasion could have led to such a paradoxical outcome. It is structured as follows. The next section introduces and tests six hypotheses which might account for the paradox. The third section identifies and analyses the properties of the main blocs of voting MPs. The fourth section concludes.

Six hypotheses

The format of each composition motion was

That this House approves Option *xx* [*k* per cent. elected/100 – *k* per cent. appointed] in the First Report from the Joint Committee on House of Lords Reform (HC 171).

Robin Cook, as Leader of the House, moved each motion.

MPs could vote for as many of the composition motions as they wished. This was a version of ‘approval voting’.⁴ The joint committee proposed this procedure (HC 171, p. 6), having discussed, but rejected, what has become known as a ‘preferendum’. In a referendum, members of each house would have ranked the seven options in a single paper ballot.

This procedure is really the alternative vote (AV). It is used for elections to the Australian House of Representatives and frequently in club and society elections. It would have ensured that one option would be seen to ‘win’ by getting over 50 per cent of the vote against its last remaining rival. Some members of the joint committee preferring a largely elected house had proposed this method of voting, fearing that the popularity of elections for the second chamber would otherwise be obscured by the vote being split among different options for election. If it was common knowledge on the joint committee that a substantially elected Lords was the most popular option among MPs, then those opposed to this outcome had an incentive to oppose AV. They may have hoped, as seems to have proved the case, that multiple resolutions would reduce the likelihood that agreement would be reached.

Why did the Commons reject all seven composition options? We have thought of the following possibilities:

- A majority-preferred composition of the upper house existed, but was never put to the vote.
- Some of those who voted for abolition of the upper house then felt entitled, after the defeat of their favourite position, to vote against all the proffered options on composition.
- No individual MP voted in a *prima facie* illogical way, but the aggregation of votes led to a collectively illogical result.
- Groups of MPs did not know how to vote on early propositions when the fate of later propositions was unknown. Their voting was ‘myopic’ (the word is not intended to be derogatory).
- Groups of MPs voted against options they favoured in order to promote options they favoured even more. Their voting was ‘strategic’.
- Groups of MPs made mistakes.

We test these hypotheses on the evidence of the debate and the division lists.

Hypothesis 1: A majority-preferred composition of the upper house existed, but was never put to the vote.

Some advisers to members of the joint committee had recommended the procedure that was used, but with the modification that members of each house were to vote on ranges, not on points. As well as the points 0 per cent and 100 per cent, the resolutions would have named a mutually exclusive and jointly exhaustive set of ranges. While the resolutions would have these properties, the votes would not. Members of each house would vote for as many of the options as they approved. These reformers hoped that at least one option would win in both houses.

However, the joint committee recommended point resolutions ('20 per cent'), not range resolutions ('between 20 and 40 per cent, both inclusive'). Its proposals were mutually exclusive but not jointly exhaustive. Thus it is logically possible that there existed a range of compositions of which MPs approved, but which was not put to the vote—for example a majority of MPs might have favoured a 67 per cent or 75 per cent elected House. However, there is no evidence in the text of the debate or in any surrounding media coverage for this hypothesis.⁵ Indeed, had a more popular option existed this could have been proposed by a group of MPs as an amendment to one of the joint committee's motions; but no such amendment was tabled.

The same goes for the group of MPs who professed to prefer an 'indirectly elected' upper house (e.g. with members elected by regional assemblies or local government) to either one that was directly elected or one that was appointed. There was some confusion as to whether those supporting indirect elections should vote for election or appointment.

Robin Cook, Leader of the House, gave the following steer for those members:

If colleagues wish to have an indirectly elected Chamber or a partly indirectly elected Chamber, they are opting for an elected Chamber and should vote tonight for one of the elected options. If they vote for an appointed Chamber, they will be ruling out elections, whether direct or indirect. (*Hansard, Commons*, 4 Feb. 2003, col. 153)

The minister closing the debate, Ben Bradshaw, repeated this advice (col. 220). However, 'it was put about on the day that those wanting indirect election should vote for an all appointed Lords.'⁶ Literature to this effect was circulated among MPs.

The Labour members who stated, either in public or in private, that they wanted an indirectly elected Lords and were stymied because it was not on the agenda may have simply wished for a fig-leaf to cover their abandonment of their party's manifesto commitment to a more representative and democratic upper house. If this was a genuine dilemma, the supporters of indirect election could have proposed an amendment to put it explicitly on the table. Such an amendment might have sought to clarify the status of indirect election with respect to the options on offer (e.g. adding that 'elected shall not exclude those elected indirectly' or 'appointed may include those elected indirectly'), but no such amendment was tabled.

Therefore we reject Hypothesis 1.

Hypothesis 2: Some of those who voted for abolition of the upper house then felt entitled, after the defeat of their favourite position, to vote against all the proffered options on composition.

The Speaker allowed an amendment in the name of George Howarth (Lab.). This called for a unicameral parliament, and took the form of an amendment to the joint committee's Option 1 (all appointed). There is a convention that an amendment that fundamentally alters or negates the meaning of a resolution should not be accepted.⁷ However, if the Speaker had not called the amendment,

there was a threat that abolitionists might have voted against all the composition options.

In practice, although the Speaker did select the abolitionists' amendment, there were still ten members who voted for abolition of the upper house, and then against all the composition options. Nine of the ten are Labour members; one is a Liberal Democrat. This group may be labelled the 'None-of-the-Above Abolitionists': their vote against all the composition options can be rationalised along the lines 'We don't want an Upper House, therefore we oppose an Upper House with any of the compositions proposed.' A further ten members, five Conservative and five Labour, voted against all the composition options but did not support abolition. We have not traced any statement from any of the latter ten in favour of a composition option that was not put to the House. They must therefore have been behaving strategically (Hypothesis 5).

The most popular composition option (80 per cent elected) was defeated by only three votes. If either of the None of the Above groups had abstained or voted for it, it would have been carried. If they had voted for the 100 per cent elected option it, too, would have been carried.

Hypothesis 2 is therefore supported, and forms part of the explanation for why the outcome of the votes was inconclusive.

Hypothesis 3: No individual MP voted in a prima facie illogical way, but the aggregation of votes led to a collectively illogical result.

An important stability condition is known as single-peakedness.⁸ If opinion is single-peaked, then paradoxes of voting (cycles) cannot occur. It might seem natural to regard abolition of the upper house as the most 'extreme' option in one direction and a fully elected upper house as the most 'extreme' in the other. In fact, however, the 'intermediate' options of 20 per cent, 40 per cent and 50 per cent elected were the least popular.

However, 'extreme' and 'intermediate' in the previous paragraph are imposed conceptions. It is possible that MPs themselves voted according to an ideology, or collection of ideologies, which did not regard an upper house with a relatively small elected component as an intermediate option, but rather as an extreme one. A group which we label the Twin Peaks did just this, voting for all-elected and all-appointed, but against all the intermediate options.

To determine whether individual voting patterns are truly single-peaked requires complex data analysis, to which we will return in later work. A first test, however, is to look directly for cycles. If there is a voting cycle, there cannot be single-peakedness. (The converse is not true: that is, single-peakedness may fail without there being a voting cycle.) A top cycle is a situation in which some option A defeats B by a majority, B defeats C by a (different) majority; and C defeats A by an (again different) majority, while A, B and C all beat every other option. Such a possibility could lurk behind the aggregate totals presented in Table 1. Only analysis of the individual voting patterns can confirm or exclude it.

We have tested for cycles by exhaustive pairwise comparison.⁹ We find that there are no cycles or paradoxes in the data. There are two acceptable ways of ranking the popularity of options in a multiple ballot, known technically as the 'Borda' and 'Condorcet' rankings. They do not always coincide, but in this case they do. Unambiguously, therefore, the ranking revealed by the individual preferences is the same as that shown in the aggregate votes. In descending order, that is:

- [Status quo]
- Elect 80 per cent
- Elect all
- Elect 60 per cent
- Elect zero
- Abolition

- (Elect 20 per cent, elect 40 per cent and elect 50 per cent) tie for last place.

We can reject Hypothesis 3. The illogical outcome is not the product of a voting cycle.

But we are not out of the woods of paradox. Each of the eight reform options was effectively rejected in a contest against the status quo (though MPs voting may not have perceived it that way). Hence, if the set of options is expanded to include the status quo, it sits on top of all eight other options as the unique Condorcet winner—that is, the option which beats each of the others in head-to-head comparisons. But the status quo is conceptually indistinguishable from the fourth most popular option (elect zero), which lost to each of three other options in head-to-head comparisons.

But the combination of those voting for 60 per cent and 80 per cent elected *did* beat the status quo (even more markedly if 100 per cent elected is included). Hence, if the Commons had instead used the alternative vote, this paradox would not have arisen. If members had ranked the options consistently with the preferences revealed in the pairwise votes, *and if all MPs had voted sincerely according to their preference orderings*, then AV would have yielded the same outcome as the Borda and Condorcet rankings. In succession, the options 20 per cent elected, 40 per cent elected, 50 per cent elected, unicameralism, zero elected and 60 per cent elected would have been eliminated, and in the final run-off 80 per cent elected would have defeated 100 per cent elected.

However, MPs would have behaved differently under AV. The 20 per cent, 40 per cent and 50 per cent elected options would not have received zero support. And those MPs who were determined to defeat a predominantly elected house would have had an incentive to push the non-elected or minimally elected options up their rankings. This is the strategy of voting against 'the most

dangerous rival' of one's top preference, and it is a well-known plan of action in either AV or Borda count elections. The 303-signature EDM in favour of a 'wholly or substantially' elected house signalled that 60 per cent, 80 per cent and 100 per cent were the most dangerous rivals for MPs opposed to substantial change. If the reformers voted sincerely according to the signal they gave in the EDM, whereas the conservatives voted strategically, a conservative option such as '20 per cent elected' could have beaten the wholly or substantially elected options. 'My scheme is only intended for honest men,' said Borda when he realised that his system was being manipulated in this way.

Hypothesis 4: Groups of MPs voted myopically. Hypothesis 5: Groups of MPs voted strategically.

Members may have voted in unexpected ways either because they could not say which of two options they preferred, or because they were voting to defeat an earlier option in order to improve the chances of a later one. From the division lists, we cannot tell which might be true; therefore we treat these two hypotheses together.

MPs voted under conditions of imperfect information, a point raised at the start of the debate by the veteran Conservative Sir Patrick Cormack:

If the motion that I favour is not approved, I would rather vote for a unicameral House. Having talked to hon. Members in all parts of the House, I believe that a number of them share the view that, if their own particular preference is not selected, they would rather go unicameral. Would it be possible, therefore, to have that vote at the end of the proceedings, rather than the beginning?

Mr. Speaker: That option is at the beginning, not the end. (*Hansard, Commons*, 4 Feb. 2003, col. 152)

Given the probable multidimensionality of opinion, the problem was an unavoidable one. The Speaker could not have put the abolition resolution at the

end of proceedings. It was an amendment, which by parliamentary rules must be dealt with before the motion it amends. Furthermore, if he had taken the abolition vote last, he would have solved Sir Patrick's dilemma but would have created another similar one for other groups of members.

Both the analysis so far and the speeches of many MPs in the debate confirm that opinion was multidimensional, or at least that it did not lie along the obvious quantitative dimension. In parliamentary procedure, each motion is compared, not with the other options, but with the status quo. Whatever motion is taken first, some members' preferences will inevitably depend on the outcome of votes not yet taken. Introducing the abolitionist amendment, George Howarth (Lab.) denied that it was a 'cynical spoiling tactic' and highlighted the multidimensionality of the issue:

I can, however, give some information about my hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle) and me. His first preference is for abolition, but failing that, he favours a wholly elected second Chamber. Similarly, I favour abolition, but because of the problems posed by a rival Chamber, which my right hon. Friend the Prime Minister referred to last week, and because of the inevitable inconsistencies of a hybrid Chamber, my second preference is for an appointed Chamber or for the interesting and novel suggestion of an indirectly elected second Chamber. I suspect that each of my hon. Friends who supports abolition has individual reasons for doing so and for adhering to whatever second preferences they may have. (*Hansard, Commons*, 4 Feb. 2003, col. 167)

Another group facing a severe dilemma were MPs who favoured one of the elected options but not all three equally. A majority of those who voted favoured at least one of the three elected options. If they could have coordinated their preferences on any one of them, it would have been carried. But as the votes were taken in sequence, it was not known

until near the end that '80 per cent elected' had been defeated. Despite earlier attempts at coordination in the run-up to the votes, the few moments remaining did not allow much opportunity for last-ditch organisation among MPs to vote for '60 per cent elected', the only elected option remaining.

The difference between myopic voting and strategic voting is as follows. With myopic voting, an MP wishes to vote for the more preferred option in each binary vote; but, because the outcome of later votes is unknown, s/he cannot say for sure which option s/he truly prefers in an earlier vote. With strategic voting, an MP does not vote for the more preferred option in some binary vote, in order to protect a yet more favoured option.

Consider a Conservative member whose favourite option was '80 per cent elected', the position of the party front bench, and who preferred an all-elected to an all-appointed house. The vote on 'all elected' came before the vote on '80 per cent elected'. Although such a member preferred 'all elected' to the status quo, s/he might nevertheless rationally abstain or vote against 'all elected' in the hope of concentrating the 'democratic' vote on the 80 per cent elected option. If so, it was a strategic move that failed.

Of particular interest, therefore, is the group of forty-five members who voted against 60 per cent elected, having earlier voted in favour of 80 per cent elected, which by this point had been defeated. These forty-five comprised thirty, largely frontbench, Conservatives, including Iain Duncan-Smith and Eric Forth (Shadow Leader of the House); all four Plaid Cymru members; eight Labour; and three Liberal Democrats. On the face of it, their behaviour seems odd. Not one of them had supported the 'zero elected' option: forty-four had voted against it, and one had abstained. But their votes reveal that they preferred an 80 per cent elected chamber to the status quo, and preferred the zero-elected status quo to a 60 per

cent elected chamber. They knew that 60 per cent elected was the last elected option remaining in the field, but they chose to vote against it. Thus they were voting strategically—perhaps in order to be able to taunt the government for not meeting its manifesto commitment.

Therefore Hypotheses 4 and 5 are supported.

Hypothesis 6. Groups of members made mistakes.

A mistake is not the same as a coordination problem. In the previous section, we discussed MPs' votes where they were uncertain how to achieve the effect they wanted. But some MPs may simply have voted in the wrong lobby. A group of four 'Democrats' (see next section) returned to the Chamber after the defeat of the wholly elected option. Expecting the next division to be on the 20 per cent elected option, as the pre-announced sequence had determined, they went into the No lobby when the division was called. However, 20 per cent elected had been defeated without a vote, and they were thus voting against 80 per cent elected, which they actually supported. This demonstrates one of the difficulties of a 'free' vote, with no party whips

indicating to members which division lobbies they should walk through on each vote. But for this mistake, the 80 per cent elected option would have been carried by 287 votes to 282.

An analysis of the main voting blocs

This section analyses the main voting blocs of MPs by their party composition and status in the House. As there were five divisions, and three positions are possible on any division, there are $3^5 = 243$ possible groups. With a total of 659 MPs, of whom 595 cast at least one vote, we must expect many of the possible combinations to comprise small numbers of MPs. If all combinations were equally probable, each voting combination would on average attract 2.46 MPs. Luckily, most (though not all) MPs who voted can be classed into quite a small number of the 243 possible voting groups and clusters of groups. We first label the main groups, whose relationship is summarised in the Venn diagram (Figure 1). A summary description of the groups is in Table 2.

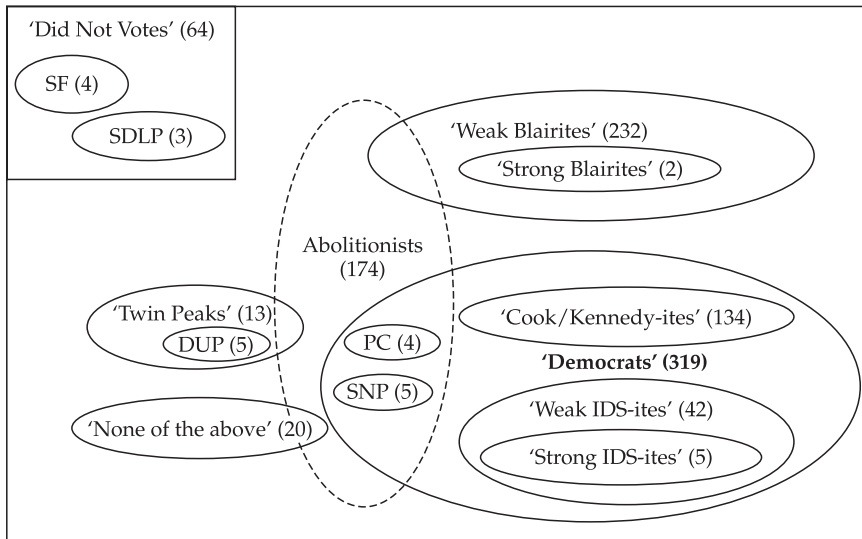


Figure 1: Venn Diagram of MP sets and subsets

Table 2: Summary description of MP groups

<i>Group</i>	<i>Number</i>	<i>Comments</i>
Democrats	319	MPs who did not support all-appointed, who supported at least one of 60%, 80% and 100% elected, and who opposed none of these three
Cook/Kennedy-ites	134	Democrats with the same vote profile as Robin Cook (Lab., Leader of the House) and Charles Kennedy (Lib. Dem.)
Strong IDS-ites	5	Democrats with the same vote profile as I. Duncan Smith (Cons.)
Weak Blairites	232	MPs who supported all-appointed and who did not support any of 60%, 80% and 100% elected: profiles which did not contradict the Prime Minister's
Strong Blairites	2	Weak Blairites with the same vote profile as Tony Blair (Lab., Prime Minister)
Abolitionists	174	MPs who voted for abolition of upper house: 90% Labour; 5% nationalist
Twin Peaks	13	MPs who supported all-appointed and all-elected Lords and opposed intermediate options
None of the Above	20	MPs who opposed all seven composition options
None-of-the-Above Abolitionists	10	
DNVs	64	MPs who did not vote in divisions

The DNV (did not vote) group comprises 64 MPs. They include all the officers of the house (who never vote) and all the Northern Ireland nationalist members, including the SDLP. After excluding those groups, the remainder are not significantly different from the house as a whole by gender, party, age, time in the house, or frontbench status.

Abolitionists are the 174 members who voted in favour of abolishing the Lords. Just over 90 per cent of them were from the Labour party: thus being Labour is a highly significant predictor for this group. On later votes, these government MPs split almost evenly on an all-appointed house (majority in favour), but the majority rejected the 60 per cent, 80 per cent and all-elected options.

Democrats are a large group that includes all those MPs who (1) did not vote in favour of an all-appointed Lords and (2) voted for at least one out of 60 per cent, 80 per cent, and 100 per cent elected, and against none of those three. They number 319, i.e. an absolute majority of

those present and voting.¹⁰ Of these, 178 were Labour, 81 Conservative, 49 Liberal Democrat and 11 from other parties. If all Democrats had supported any one of the three elected options, it would have been carried. It is worth noting that Conservative party policy was to vote in favour of 80 per cent elected. However, of the 146 Conservatives who took part, only 72, i.e. fewer than half, did so. If only two of the Conservatives who voted against their party policy had voted in favour of it, then 80 per cent elected would have been carried.

A subset of *Democrats* comprises those whose voting pattern was identical to that of the Leader of the House, Robin Cook, and the Liberal Democrat leader, Charles Kennedy. This pattern was to reject abolition, to reject an all-appointed house and to vote in favour of the three composite elected options: seemingly a pragmatic group who were willing to compromise to achieve a democratic outcome. This was the largest single group out of the 243 possible groups, number-

ing 134. Had it been only slightly larger, at least one of these options would have been passed.

Another subset of the Democrats, the *IDS-ites*, are those who did not contradict the voting pattern of Iain Duncan Smith, the Conservative leader. A strong *IDS-ite* mimicked Duncan Smith's voting pattern exactly (viz., against abolition, against zero-elected, against 60 per cent elected and for 80 per cent elected, abstaining on 100 per cent elected). There were five strong *IDS-ites*, all Shadow Cabinet members. A weak *IDS-ite* did not contradict Duncan Smith's voting pattern, where 'contradict' means 'vote against when the other votes in favour or votes in favour where the other votes against'.¹¹

In opposition to the Democrats, *weak Blairites* comprise those whose voting pattern was consistent with that of the Prime Minister, who voted for an all-appointed house and abstained on all the other divisions. An MP is defined as a weak Blairite if his/her voting pattern does not contradict the Prime Minister's. They numbered 232, of whom 168 (72 per cent) were Labour. A strong Blairite exactly mimicked the Prime Minister's voting pattern. There was in fact only one other strong Blairite in the House, viz., the Rt Hon. Helen Liddell (Lab.). This grouping of 2 is less than 2.46, and is therefore smaller than would have occurred by chance.

Twin Peaks or 'anti-hybrids' are those MPs who voted in favour of an all-appointed house, in favour of an all-elected

house, and against any composition option in between. There were thirteen MPs in this group, five of whom were DUP members, one a Conservative and the others Labour. The Twin Peaks' preferences contributed to the unusual shape of the overall outcome. If we include those who voted for at least one of all-elected and all-appointed but rejected the hybrid options, this group rises to twenty-seven (nineteen Labour, three Conservative and five DUP).

The *None of the Above* grouping has already been described. They numbered twenty, ten of whom voted for abolition and therefore arguably had a better excuse for voting against all the composition options than the other ten.

What background factors led an MP to be in one or other of these main groups? Table 3 compares the party make-up of the 595 MPs who cast a vote with the party make-up of each of our three big groups: weak Blairites, Democrats, and Cook/Kennedy-ites.

Table 3 compares the party composition of all those who voted (column 1) with the party composition of the three biggest subsets of MPs (columns 2, 3, and 4). Reading across it, 63.2 per cent of those who cast a vote were Labour members. As only 56 per cent of Democrats were Labour members, we can say that Labour members were disproportionately *unlikely* to be Democrats. They are less likely to be Democrats or Cook/Kennedy-ites, and more likely to be weak Blairites, than would be predicted from

Table 3: Relative party composition of the three main subgroups

	<i>All MPs who cast a vote (%)</i>	<i>Democrats (%)</i>	<i>Cook/Kennedy-ites (%)</i>	<i>Weak Blairites (%)</i>
Labour	63.2	55.8	52.2	72.4
Conservative	24.4	25.4	20.9	24.1
Liberal Democrat	8.9	15.4	26.1	1.3
Other	3.5	3.4	0.8	2.2
	100	100	100	100
<i>n</i>	595	319	134	232

their strength in the house. Again reading across, we see that Conservative members are represented in each of the two main groups at about the same proportion as they are in the house as a whole, but were slightly less likely to be Cook/Kennedy-ites. And Liberal Democrat members are much more likely to be Democrats or Cook/Kennedy-ites, and much less likely to be weak Blairites, than would be predicted from their strength in the house. The 'Others' in Table 3 (mostly Northern Irish unionists and Scottish and Welsh nationalists) are neither more nor less likely than MPs as a whole to be Democrats, but they are unlikely to be either Cook/Kennedy-ites or weak Blairites.

Conclusion

How, then, did the Commons come to vote against all eight options put up to it, leading itself into the contradiction of voting for the status quo by voting against the status quo? And what predisposed groups of members to join the various groups?

Those we have labelled the 'Democrats' comprised more than half of those voting. They all voted for at least one of the elected options and against an all-appointed house. The biggest single group are the Cook/Kennedy clones, who supported 60 per cent, 80 per cent and 100 per cent elected. They are therefore the group closest to the Labour Party manifesto and the Public Administration Committee report. Although a majority of this group were Labour, Democrats were less well represented among Labour MPs than across the house as a whole. The Cook/Kennedy clones are a much larger group than another subset of the Democrats, the Duncan Smith clones, who numbered five.

If only a few more of the Democrats had voted like Cook/Kennedy clones, the Commons would have voted for a more representative and democratic upper

house. Although many Democrats did vote as a strategic bloc, the internal divisions that existed among them meant that groups of non-Democrats could stymie that outcome. In particular there was a group of forty-five, largely Conservative, members who voted for 80 per cent elected and then went on to vote against 60 per cent elected.

The largest group of non-Democrats are the weak Blairites: those whose voting pattern did not contradict the Prime Minister's. Most of these were Labour members. Other groups contributing to the outcome are the ten None-of-the-Above Abolitionists and the four would-be Democrats who voted by mistake against 80 per cent elected. If either of these groups had voted differently, then at least one elected option would have been carried.

The Prime Minister's and Lord Chancellor's sudden discovery, which they had not made in their earlier White Papers or in the Labour manifesto, that a hybrid upper house was intolerable may prove to have been a great agenda-shaping moment. It seems that the opponents of election, rather than speaking out against election *per se*, started speaking out against hybridity—thus successfully driving people away from the centre and causing the Twin Peaks group to form. Although the Twin Peaks group was small, it was big enough to defeat the 80 per cent elected option. And the weak Blairite group, who supported an all-appointed house but did not support any elected component, was much larger. After the Prime Minister's intervention, what had originally been announced as a free vote became a more politically pressurised occasion. Despite the open support from the Leader of the House and various other ministers for a largely elected chamber, there is evidence that Labour whips were strongly encouraging colleagues to 'support Tony' by voting for an all-appointed house. On the day itself, thirteen out of the fifteen government

whips voted in a bloc in favour of a zero-elected house and against all three elected proportions. Of the other two, one was a Democrat and the other a None of the Above.

We have excluded two a priori possible explanations of the paradox that the house voted for the status quo by voting against the status quo. It did not arise because some magic point should have been proposed but was not. Nor did it arise because of anything paradoxical in the aggregation of individual votes to a group judgement. Specifically, voting was not cyclical; and the pairwise ordering of the outcomes is well-behaved using either of the two criteria (Condorcet and Borda) for a well-behaved ranking function. By any measure, 80 per cent elected was the most popular option.

There are three hypotheses that are supported. One is that the actions of the None-of-the-Above group, who voted against all the options after the abolition vote had been lost, influenced the outcome. Another is that, as a result of either myopic or strategic voting, MPs did not succeed in coordinating their votes across the seven options in a way which would secure support for any one of them. We also note that some MPs made genuine mistakes which, given the closeness of the outcome, made a crucial difference. Any of these effects could have been countered, at least in part, by the use of a 'preferendum' rather than a series of individual votes. This would have ensured that one single option came out with at least 50 per cent support; but this voting method was rejected by the joint committee.

Table 3 and Figure 1 show that the smaller parties voted as blocs but the big parties were split. The Irish nationalists kept out altogether. The DUP voted en bloc for the Twin Peaks profile. Four of the five Ulster Unionists were weak Blairites. The Scottish and Welsh Nationalists were all Democrats and all Abolitionists. The Conservatives split into weak Blair-

ites and Democrats in the same proportion as the house as a whole. Labour members were more likely than average to be weak Blairites, and less likely to be Democrats. Liberal Democrats were much more likely than average to be Democrats, and much less likely than average to be weak Blairites. Neither of the biggest parties was consistent. Labour MPs, whose leader said in the John Smith Memorial Lecture in February 1996, 'We have always favoured an elected second chamber,' were the least likely (apart from the Northern Irish unionists) to vote for any elected element in the second chamber. And the majority of Conservatives, whose official policy was to support 80 per cent elected, failed to back their own policy.

After ninety-two years, the preamble of the 1911 Parliament Act remains unfulfilled. Substitution cannot be immediately brought into operation.

Notes

- 1 *New Labour: Because Britain Deserves Better*. London: Labour Party, 1997, pp. 32–3.
- 2 *Reform of the House of Lords: Analysis of Responses to the Government White Paper 'The House of Lords—Completing the Reform'*, London, Lord Chancellor's Department, 2002.
- 3 *Hansard, Commons*, 4 February 2003, cols 161, 243.
- 4 Steven J. Brams and Peter C. Fishburn, *Approval Voting*, Boston, Birkhäuser, 1983.
- 5 Gerald Kaufman MP (Lab.) complained about the absence of the 25 per cent and 75 per cent points, but this was in the context of a broad-brush attack on the joint committee rather than a claim that he would have voted for one of these points (*Hansard, Commons*, 4 February 2003, col. 177). Mr Kaufman had been a member of the Royal Commission, which did not propose either 25 per cent or 75 per cent elected. No other Commons speaker took up the point.
- 6 Interview with Labour MP.
- 7 *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*,

- 22nd edn, ed. D. Limon and W. R. McKay, London, Butterworths, 1997, pp. 343–6.
- 8 Duncan Black, *The Theory of Committees and Elections*, Cambridge, Cambridge University Press, 1958.
- 9 For the technically minded, a description of what we did is available at <http://www.nuff.ox.ac.uk/Politics/papers/2003/McLeanpercent20Spirlingpercent20Russell.pdf>.
- 10 If the four 'Democrats' who mistakenly voted against 80 per cent elected are added, this number rises to 323.
- 11 For the avoidance of offence: 'weak' is here used in its mathematical sense of 'not contradicting' and 'strong' in its mathematical sense of 'exactly corresponding to'.