

CRACKING THE WHIP: THE DELIBERATIVE COSTS OF STRICT PARTY DISCIPLINE

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Udit Bhatia

Lady Margaret Hall, University of Oxford

Udit.bhatia@lmh.ox.ac.uk

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Udit Bhatia Lady Margaret Hall
University of Oxford
Udit.bhatia@lmh.ox.ac.uk

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Centre for Deliberative Democracy & Global Governance
Institute for Governance and Policy Analysis
University of Canberra ACT 2601
DELDEM.CANBERRA.EDU.AU
GOVERNANCEINSTITUTE.EDU.AU

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ABSTRACT

In this paper, I explore the costs of strict party discipline for deliberation in legislatures. I begin by discussing India's anti-defection law as an example of strict party discipline. I then proceed to a brief discussion aimed at clarifying the notion of strict party discipline. The second section explores how such discipline stifles the discursive autonomy of legislators. In the third section, I outline two approaches towards deliberation in the parliament: the epistemic and the political justification approach. The fourth section argues that the stifling of legislators' discursive autonomy imposes costs on legislative deliberation conceptualised in either way. I then examine factors that might influence the degree of dissent from party discipline we may find justified. Towards the end of this article, I return to the Indian case, emphasising why its anti-defection law is suspect from a normative perspective.

The anti-defection law, introduced by the 52nd amendment to the Indian Constitution, prohibits legislators from voting against their party's whip on any legislation, or voluntarily giving up membership of their party. This includes a prohibition on abstaining when the party has directed legislators to vote in a particular manner. Legislators who act otherwise are expelled from the legislative body. This rule was formulated in response to what was perceived as large-scale dubious floor-crossing by legislators in response to monetary incentives to bring down governments. What the amendment forbade, however, was not just the practice of legislators voting against their party in a trust motion, or vote of no-confidence, but from voting against it on any legislative matter where the party chooses to issue a whip. Following a Supreme Court ruling, the law ties a legislator to her party's directives even if she has been expelled by that party.¹ Four other countries—Guyana, Pakistan, Bangladesh and Zimbabwe—have similar laws whereby legislators face disqualification for voting against their party's instructions. In nine countries, legislators also face disqualification from parliament upon expulsion from the political party to which they belong. In one crucial respect, this has an impact similar to the India's anti-defection law: legislators can be expelled from their party for voting against it, and face disqualification from parliament as a consequence.

In this paper, I explore the costs of strict party control for deliberation in legislatures. I begin with a brief discussion aimed at clarifying the notion of strict party discipline. The second section explores how such discipline stifles the discursive autonomy of legislators. In the third section, I outline two approaches towards deliberation in the parliament: the epistemic and the distributed approach. The fourth section argues that the stifling of legislators' discursive autonomy imposes costs on legislative deliberation, whether this is conceived in an epistemic or distributed sense. I then examine factors that might influence the degree of dissent from party discipline we may find justified. Towards the end of this article, I return to the Indian case, emphasising why its anti-defection law is particularly suspect from a normative perspective.

(1) Strict Party Discipline: Some Conceptual Clarifications

Discipline refers to the control exercised by leaders of a political party over members of parliament belonging to that party. Parties attempt to control many aspects of their legislators' behaviour—the organisations they support, the petitions they sign, the countries to which they travel, and the messages they deliver during campaigns. In this article, I focus on one subject of control by the political party: the legislator's vote. Here, I also exclude instances of party-hopping, as when MPs abandon their membership of the party they belonged to when they contested elections in order to join another party or become independent legislators. Instead, I focus on the narrower act of cross-voting by legislators against their own party's line, expressed, for instance, through whips.² Here, I distinguish between party discipline and cohesion. I then discuss what I mean by *strict* party discipline.

(a) Discipline versus Cohesion

It is worth distinguishing party discipline from party cohesion. Party discipline results from (1) formal and informal rules either at ensuring correspondence between party elites and their colleagues in the legislature through the use of punishment and reward. Alternatively, it might stem from (2) elites' exploitation of rules, which serve some different purpose, but nevertheless enable them to punish or reward legislators in order to ensure they toe the line. Examples of the former include (1a) anti-defection legislation, which disqualifies legislators for voting against their party's line. A more informal norm which exemplifies the former category is (1b) censure, as when party leaders publicly berate their colleagues for indiscipline. An example of the latter is (2a) demotion from the cabinet. The executive is allowed to induct or remove ministers. Here, a formal rule (prerogative of executive appointment) might be utilised to punish a dissenting party colleague. Informal rules also enable party elites to perform this function. The (2b) confidence convention, for example, is an informal norm according to which a government should or must resign were it to face a legislative defeat. The government might hold a vote on some matter hoping the fear of dissolution would adequately deter their party colleagues from voting against it. The various norms highlighted here can also influence the development of each other. For instance, the existence of confidence procedures leads to the development of control mechanisms in the hands of party leaders to avoid dissent when the confidence vote emerges.³ Party cohesion, on the other hand, is not a function of an attempt by party elites to obtain legislators' obedience. Rather, it refers to a situation where legislators' expressed preferences correspond to the party's line without the reliance on mechanisms of control by party elites. Such cohesion might stem from a range of sources, like socialisation into the party's norms, or unselfish loyalty felt by legislators to their party elites. When party cohesion is high, there is little need for elites to maintain discipline. This paper focuses on party discipline, even though some of the normative challenges it emphasises may also obtain in the case of tight party cohesion.

Insofar as party discipline is a function of rules—either explicitly for controlling legislators, or drawn upon to this end—it is amenable to change. It is possible to reduce the possibility of administering certain punishments or rewards that could be used by party elites to exercise control over legislators. The most straightforward way of doing so is to repeal anti-defection laws that enable party bosses to disqualify their members from parliament for casting dissenting votes. But it is also possible to alter rules that allow parties to command discipline in subtler ways. For instance, one might be able to reduce the possibility of holding government positions as incentives

1 G. Viswanathan vs *The Honourable Speaker, Tamil Nadu Legislative Assembly* on 24 January, 1996 in the Supreme Court of India [1996 AIR 1060, 1996 SCC (2) 353]. Also see *Kihoto Hollohan vs Zachillhu And Others* on 18 February, 1992 in the Supreme Court of India [1992 SCR (1) 686, 1992 SCC Supl. (2) 651].

2 It is possible for parties to exercise control in ways other than through the use of whips. They can, for instance, issue informal instructions to their legislators to vote in a certain manner. For this paper, more than the mechanism through which such instructions are conveyed, it is the means through which they are enforced that matter.

3 On the one hand, party leaders in systems with confidence conventions are more likely to push for mechanisms that allow them to control backbenchers. On the other hand, backbenchers are also more likely to accept these mechanisms in order to avoid collective action problems.

for legislators to toe the ruling party's line. This could be done through legislation limiting the maximum number of ministerial positions that can be filled. It might also be possible to reduce the role of the party's leadership in allowing or preventing incumbent legislators to run again on the party ticket. One might, for instance, insist that such decisions should be taken through primary elections at the local level, rather than be left to the party's leadership in a way that could potentially penalize dissenters.⁴ Before undertaking such change, we must firstly, acknowledge that strict party discipline is normatively problematic, and secondly, understand the degree to which it must be relaxed. This article undertakes the former task, providing some guidance with respect to the latter towards the end.

(b) Strict Party Discipline: One End of a Continuum

Let me turn now to what I mean by *strict* party discipline. Discipline is strict insofar as party elites possess the ability to override the preferences of legislators through the use of punishment and reward. In many countries, legislators rarely, if ever, dissent against their party's line. Party unity is near-perfect, for instance, in Australia and New Zealand. Data on roll-call votes shows that legislators almost never break ranks from their party. Indeed, such contexts are characterised by particularly strict discipline. My argument in this article speaks to such democratic systems, where the party's control over its legislators results in the absence of dissenting votes.

Although most empirical work treats the absence of roll call dissent as a proxy for party unity, we ought to be wary of this practice. Backbenchers can exercise considerable influence over their party before a matter comes to a vote. This influence may take various forms. Governments may introduce amendments in response to pressure from their backbenchers. They might keep some issues off the legislative agenda for fear of dissent from their rank and file. In some jurisdictions, however, the scope for such influence is also limited. In countries with anti-defection laws, legislators stand to lose their place in parliament for voting against their party line. It is worth emphasising that the difference between countries with anti-defection laws and those without lies not just in the severity of sanctions in the former. Instead, it lies in the impact of sanctions upon legislators' power vis-à-vis party elites. As a result of anti-defection laws, governments can push through any legislation, simply by disqualifying legislators from parliament. Alternatively, the opposition can block legislators from voting with the government, and potentially block a particular law from attaining, say, a supermajority. In other words, the imposition of sanctions entails loss of one's legal ability to block the decision on which dissent has been expressed. On the other hand, countries without such laws give legislators at least the formal power to block a government's move. The application of sanctions might deter them from doing so, but legislators nevertheless remain legally able to block the decision against which they have dissented. This difference is significant insofar as the ability to block party elites' decisions alters the incentive structure available to such elites for engaging with their backbenchers. Therefore, countries with anti-defection laws serve as paradigmatic cases of strict party discipline.

My argument in this article explores the deliberative costs of strict party discipline with anti-defection legislation as its extreme version. I do not explore whether the costs emphasised in this paper also stem from countries with looser party discipline, such as United Kingdom, where legislative dissent has recorded a significant rise in recent years. Indeed, party discipline ought to be seen as a spectrum, with complete party control over legislators on the one end, and absolute autonomy for legislators on the other. We might have to consider how much we ought to move from party discipline towards the other end of the spectrum. This article, performs the prior task of identifying the epistemic costs incurred by parliaments at one end of the continuum. In Section 5, I briefly examine factors relevant to our assessment of the degree of autonomy for legislators that proper deliberation requires.

(2) Strict Party Discipline and Legislators' Discursive Autonomy

One might object that strict party discipline merely attempts to prevent legislators from voting against their party. It does not necessarily prevent a legislator from taking a contrary stand in the deliberative process. But such an objection would ignore how the pre-determined nature of the vote stifles the expression of opinions contrary to those supported by the vote. If a legislator criticized their party's stance and publicly expressed disagreement, she would ordinarily be expected to demonstrate consistency by voting against it. This is particularly true where disagreement runs deep or is located on an issue considered central to her political project. But if one criticises the party on a range of issues, or vehemently on some particular issue, electors might ask why one continues to be member of that party and vote in accordance with its whips. 'Why not just quit your party/vote against it if you disagree that much', electors could ask. The cost for leaving the party or cross-voting is significantly increased if one must give up one's place in parliament in order to do so. At the same time, legislators do not wish to be viewed as hypocrites. As a result, putting up a façade of consistency means that one is unlikely to express opinions contrary to those one is required to vote for.

⁴ Does this not effectively result in similar threats of penalties for dissenters? Whether rejected by a national/local executive or by the primary party electors in their constituency, the fear of being denied the party ticket may be equally strong for dissenters. Two aspects, however, distinguish the primary elections and executive selections of candidates. Firstly, the former is a highly visible process, allowing it to become much clearer if the denial of re-adoption is a function of the candidate's dissent against the party line. Secondly, it allows the legislator to publicly defend her act of dissent against competing candidates for the ticket. This argument depends on contingent ways in which executive committees currently function and are constituted in many places. Some of these problems could be addressed if executive members were not chosen so they were likely to be prejudiced towards the party's official line; or if their proceedings were more public. On the other hand, some relevant problems are likely to remain. For instance, it's much easier for a small committee to pre-determine the outcome of a selection process than it is for a larger body of primary electors. Note that pre-determination, as I use it here, is different from pre-judging an outcome. Individuals pre-judge an issue when they privately resolve to vote in a certain manner regardless of what transpires during the process leading up to the decision. Pre-determination occurs when a *body or group* responsible for a decision has resolved, before the process began, to adopt a particular decision. Pre-determined outcomes can be harder to change even when one the process convinces one against it. Unlike prejudgments, where one only has to reverse one's own decision, reversing a predetermined decision involves renegeing on commitments given to others, such as one's party colleagues.

The above argument has focused on how strict party discipline stifles the expression of dissenting opinions. This presumes that an opinion has already been formed, which differs from that enforced by the party. However, a second challenge posed by strict party discipline is the way in which it restricts the *formation* of opinions contrary to one's party. This is because it increases the likelihood of the adjustment of one's preferences to reflect the decision one must finally support. Cognitive dissonance is likely when a legislator supports one view but must vote for another. Since what she votes for is fixed by the party, dissonance reduction is likely to take the form of adjusting her own preferences to fit that stance⁵. Further, consider the phenomenon where persons form beliefs in a selective manner, gathering evidence only to the extent that this supports the opinions she would like to be true. The scientist, Gregor Mendel, for instance, practiced this method of 'quitting when you're ahead' in his experiments⁶. Applied to the parliamentary context, this mechanism highlights how legislators would have good grounds to not probe further once their attempt to learn about an issue has confirmed their party's views. This argument is particularly valid for legislating, which, more than ordinary epistemic activities, is significantly demanding. Taking seriously the evidence for contrary conclusions is, therefore, an epistemically costly task. If the only opinion legislators are required to justify is their party's, then they have little incentive to engage in such an exercise⁷.

Consider a third way in which strict party discipline restricts legislators' discursive autonomy. So far, I have focused on how the absence of a vote is likely to block the formation and expression of contrary opinions in given cases. But there is a way in which strict party discipline has a *systemic effect* in restricting the autonomy of legislators. I have emphasized the epistemically demanding nature of the task facing legislators who might wish to form their own judgment on legislative issues. No person is likely to meet these challenges in their individual capacity. Rather, meeting the epistemic demands of legislation requires the development of skills and institutions that enhance the quality of opinions held by parliamentarians. It requires, for instance, the provision of research assistance, help with understanding complex legalese involved in bills, and commentaries explaining the likely implications of alternative policy decisions. If individual legislators, however, are not expected to form their own opinions on the subject, then there is little reason to invest in this long-term and costly capacity-building exercise.

Indeed, stifling discursive autonomy is not the same as prohibiting the expression of contrary opinions. Insofar as legislators are permitted to voice views different from their parties', they could potentially still do so. Moreover, the impact of party discipline might be mitigated by other factors, such as a political culture that promotes dissent, which may protect legislators' discursive autonomy. All things equal, however, it is likely that such autonomy would suffer insofar as political parties exercise strict control over how legislators vote.

(3) *Two Views on Deliberation in Legislatures*

In what follows, I examine the deliberative costs that follow from constraints on legislators' discursive autonomy due to strict party control. But first, it is worth reflecting upon how we ought to understand deliberation in the legislative sphere. I discuss two views of deliberation, and later demonstrate that strict party control leads to deliberative costs on either approach towards legislative deliberation.

The first approach suggests that political deliberation is about 'problem-solving', where there are procedure-independent standards for what counts as the right answer:

Problem-solving aptly describe a lot of what the deliberation among representatives in national assemblies are supposed to achieve, whether these assemblies are trying to fix the national health care system, come up with ways to regulate bankers' compensations, or deal with environmental issues.

The epistemic approach leads to a certain way of conceptualizing legislative deliberation. Such deliberation is a process aimed at tracking the truth, or a 'trial by discussion'. It aims at weeding out good arguments from the bad ones, and ensuring that the 'unforced force of the better argument' prevails. The epistemic view need not be viewed as incompatible with the special relationship that legislators share with their constituents. They could be understood, as Nadia Urbinati argues, as advocates—they occupy the specific perspective of their constituents, and share a passionate link to their cause⁸. And yet, their advocacy is rooted in a higher commitment to the common good that allows them the ability to distance themselves from their constituents' partial perspectives. This allows for them to subordinate the claims of their electors to the demands of 'reason, justice and the good of the whole' during the course of deliberation in parliament. The emphasis on democracy's epistemic dimension should not be taken to mean that this is all there is to democracy⁹. At the same time, proponents of the epistemic approach rightly emphasize that democratic deliberation's ability to produce better decisions is vital to its normative case and our support for it¹⁰. Further, considerable effort has been invested

5 Festinger, L. (1957). *A Theory of Cognitive Dissonance*. Stanford, CA: Stanford University Press; Elster, J. (1985). *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge University Press, 109-140; Elster, J. (2008). *Nuts and Bolts for the Social Sciences*. Cambridge; New York: Cambridge University Press, 17-20

6 Elster, *Nuts and Bolts*, 54.

7 It is worth clarifying that legislators often care about forming the right opinions regardless of the incentives they have in doing so. But this is not enough. Given the epistemically demanding nature of legislation, they are likely to limit their attempt to get things right to a limited number of issues; for instance, issues central to their political project, or those considered salient by their constituency. However, several legislative issues would still fall outside this domain. It is not enough, then, to rely on legislators' individual motives for forming valid judgments. We ought to pay attention to how institutions are structured in ways that deter or promote this practice.

8 Urbinati, N. (2002). *Mill on Democracy*. Chicago: University of Chicago Press, 81-2.

9 Muirhead, R. (2014). The Politics of Getting It Right. *Critical Review*, 26(1-2), 115-128.

10 Cohen, J. (1986). An Epistemic Conception of Democracy. *Ethics*, 97(1), 26-38; Marti, J. L. (2006). 'The Epistemic Conception of Deliberative Democracy Defended'. In Marti, J. L., & Besson, S. (eds.). *Deliberative Democracy and its Discontents*. Aldershot: Ashgate, 27-56; Landemore, H. (2013). *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton University Press, 208-31. Min, J. B. (2016). Politics Must Get it Right Sometimes: Reply to Muirhead. *Critical Review*, 28(3-4), 404-411.

in the design of legislative assemblies to ensure that they perform well epistemically.¹¹ Therefore, it is worth investigating if their ability to do so is hindered by strict party discipline.

Let me turn now to a second way in which we might understand legislative deliberation. One could insist that the aim of political deliberation is not to track 'truths', or doubt that there are procedure-independent standards available to strive for in the political world. Instead, we might insist that deliberation aims at political justification for the exercise of political power. It is only through such justification that power can be considered legitimate, based on collective authority rather than brute force. As Jonathan White and Lea Ypi argue, political justification is the 'means by which decision making acquires an identifiable rationale, one that can be scrutinized and evaluated by those whom decisions will affect'. Naturally, this approach conceptualises the role of legislative approach very differently from the epistemic account. It views parliament as a forum for making visible this process of public justification. The role of legislators is to clarify for the external public the differences that exist between them and the reasons for them:

The parliamentary chamber is first and foremost a place to 'put one's case'. Each party sets out the most coherent and persuasive justification it can, for its preferred position. Like barristers arguing a brief, MPs do their best to set out their arguments in an orderly, logical fashion . . . Insofar as counterarguments of their opponents threaten to undermine their own case, they respectfully register those arguments and attempt to refute them . . . But in parliamentary debate, no one seriously expects to change any other MP's mind. . . . The various parties are merely 'making their pitch' to the media . . . and through them to the electorate at large.¹²

The second view, then, emphasizes that deliberation in parliament need not be oriented towards changing the minds of one's fellow legislators. Rather, it is oriented at providing the external audience, voters, with the 'epistemic location' of decisions, and helping situate parties on the 'space of public political reasons'. In doing so, partisan exchanges between different parties draws politically relevant cleavages and makes politics intelligible to citizens, advancing the cause of political justification.

In what follows, I demonstrate that strict party discipline impacts legislative deliberation negatively on both approaches outlined here. There are, indeed, other dimensions on which one might assess a political party's relationship with its legislator. For instance, one might argue, like the Indian Supreme Court, that in a democratic system, it is the political party that serves as the true medium of *representation*. On this approach, electors' vote for a candidate is so strongly connected to support for the party that strict party discipline is justified.¹³ One could also, like White and Ypi, find a defence of party control in *role obligations* or duties that legislators incur from the place they occupy in their party.¹⁴ In this article, I bracket these questions by focusing narrowly on the deliberative impact of strict party discipline.

(4) *The Deliberative Costs of Strict Party Control*

So far, I have argued that the ADL stifles the formation and expression of legislators' judgment, and the capacities needed to support it. What result does this have on the deliberative process of parliament? I discuss four ways in which this poses a challenge for legislative deliberation

(1) *The Epistemic Benefits of Size*

One of the primary strengths of the legislature as a deliberative body is its size. Legislatures are usually large bodies, comprised of several hundreds of persons. The large size of the assembly is seen as contributing to its epistemic strength. Is it not the case that legislative decisions in most societies anyway emanate from a small number of party leaders? To answer this objection, Waldron asks us to imagine how we would, if given the opportunity, design a legislative body. He suggests we would opt for a large-sized legislature nevertheless. It is a 'constitutional instinct', he argues, that if there is 'explicit law-making or law reform to be done in society, it should be done in or under the authority of a large assembly consisting of hundreds of individuals, ranked roughly as equals'.¹⁵ The questions faced by most legislative bodies are immensely complex, and require answers based on information dispersed widely in a society. As Waldron emphasizes, in our high-flown enthusiasm for deliberation focused on principles, it is easy to forget that legislatures must be adequately informed about diverse interests in a society. After all, the very point of many principles is that certain interests must be taken seriously.¹⁶ Even where we think a decision should not be taken on straightforward consequentialist grounds, rarely will a moral or political principle make no reference to peoples' interests, or how those interests would be affected once it is applied. Once we recognize the epistemic task of factoring different interests into legislative decisions, the value of parliaments' large membership becomes clearer. No one individual or small group of individuals,

11 Nordquest, D. (1991). 'The "Federalist" on Truth & the Constitution'. *Polity*, 23(4), 527-47; Elster, J. (2013). *Securities against Misrule: Juries, Assemblies, Elections*. New York: Cambridge University Press, 140-90; Vermeule, Adrian. (2013). *The Constitution of Risk*. New York: Cambridge University Press.

12 Goodin, R.E. (2005). 'Sequencing Deliberative Moments.' *Acta Politica*, 40, 188-90.

13 *Kihoto Hollohan*, supra, ¶19.

14 White, J. and Ypi, L. (2016). *The Meaning of Partisanship*. Oxford: Oxford University Press, 106

15 Waldron, J. (2016). *Political Political Theory*. Harvard University Press, 131

16 Waldron, J. (2009). 'Representative Lawmaking'. *Boston University Law Review*, Vol. 89, 344.

no matter how competent, is likely to possess all the relevant information. Although above average competence might be helpful in some respects, the perspective of experts might be limited in others, resulting in common blind-spots.¹⁷ This suggestion relies upon what is known as the Diversity-Trumps-Ability theorem. The emphasis on cognitive diversity leads to the idea that legislative assemblies should be numerically large:

My contention is that the cheapest, simplest way to ensure great cognitive diversity is by including more people in the group of decision-makers. This is so because numbers will naturally increase cognitive diversity. I say “naturally” on the (I think) plausible assumption that cognitive diversity is normally present in any typical group of human beings, since different people come into the world equipped with different cognitive toolboxes.¹⁸

In fact, it is arguments like these that one often finds in criticism of strong judicial intervention in the legislative process.¹⁹ Decision-making by the judiciary is said to be epistemically inferior in relation to legislatures since it emanates from a body comprised of a small group of individuals. This group is also less cognitively diverse since it is formed of a narrow professional class of legal experts. Indeed, it is possible to exaggerate the cognitive diversity of a legislative assembly. After all, by virtue of being political elites, elected representatives, too, form a particular class that is likely to be limited in its perspective. This is particularly true in circumstances marked by the professionalization of politics, where politicians remain in office over a period of time. Further, the cost of the electoral process in most democracies means that they are likely to be economically, if not socially, privileged.

Strict party discipline reduces the effective size of the legislature to a small group, depriving it even of its limited cognitive diversity. By stifling discursive autonomy, it restricts the ability of legislators to act as many heads, instead reducing the range of permissible opinions to those sanctioned by a small number of party leaders. In doing so, it deprives legislative deliberation of an important epistemic resource. Further, it limits even the restricted number of problem-solvers to particular kinds of politicians. Ordinarily, one would expect party leadership to travel together with certain features such as long political careers: leaders are likely to have spent more rather than less time as politicians. Indeed, such long careers have epistemically productive features. But insofar as this comes with other costs—such as insulation from ordinary life—having new politicians contribute to decision-making can contribute to its cognitive diversity.

As I have argued, legislators may enjoy some influence on legislative decisions when they have the ability to vote against their party. They might be able to exert such influence even in contexts where they tend not to vote against their party. More empirical research into the dynamics of backbencher influence is necessary in order to establish the extent to which members of parliaments characterised by low legislative dissent are able to participate in the formulation of decisions. Yet, as I have indicated, even this limited influence is less likely when anti-defection legislation is in place. Legislators in such contexts lack even the limited ability to force consideration of their consideration by party elites. Their preferences are more likely to be disregarded since party bosses lack any incentive to anticipate whether their decisions might be acceptable to the rank and file. In such contexts, it is easier for decision-making to fall upon a limited number of party elites, who are empowered to altogether overlook opinions of their legislators in parliament.

The design of the electoral system could play a role in mitigating some of the size-reduction costs induced by strict party discipline. An electoral system that promotes multiple parties, such as proportional representation, might facilitate this. However, while this may increase the number of parties represented relative to a system that encourages fewer parties, it would not approximate the full numerical strength of a legislative assembly. More importantly, the very conditions under which multiple parties are likely in the legislature are also those that promote coalition-building by parties. While coalitions are not necessarily free of internal dissent, one might expect further loss of heterogeneity of opinion in such circumstances. As a result, an increase in the number of parties—that enforce strict discipline—is unlikely to produce the kind of diversity we would find in a parliament not subject to strong party control.

One might worry that at some point a group of decision-makers ‘may become so large as to inhibit the productive exchange of information through deliberation, thus undercutting the informational benefits of a larger size.’²⁰ While it is difficult to evaluate the degree to which this serves as a constraint on a parliament’s numerical size, we must not be unduly pessimistic. Deliberative experiments consisting of hundreds of participants at a time have been conducted with considerable success around the world. Further, many of these experiments have taken place against circumstances of considerable difference with respect to language, culture and values. Yet, despite the increased communicative costs induced by such contexts, these deliberative experiments have generally shown good epistemic performance.

(2) *The Epistemic Value of Bicameralism*

Most legislative assemblies around the world are bicameral. The manner in which second chambers are constituted, as well as the power they enjoy relative to the first chamber, differ across contexts. Underlying various modes of bicameralism lies a set of epistemic arguments, which insists that a second chamber can enhance the quality of legislative decisions. Indeed, such arguments are somewhat controversial, and a complete defence of the epistemic merits of bicameralism is beyond

17 For a defence of the theorem in the context of democratic politics, see Landemore, H. (2013). *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton: Princeton University Press.

18 Landemore, H. (2012). ‘Why the Many Are Smarter than the Few and Why It Matters’. *Journal of Public Deliberation*, 8(1), Article 7, 5. I agree with Landemore that the correlation between group size and cognitive diversity is not always verified, but that it is generally more plausible than the reverse assumption that cognitive diversity decreases as the number of people goes down.

19 Vermeule, A. (2008). *Law and the Limits of Reason*. Oxford University Press, 25–56.

20 Hessick, A. F. and Jordan, S. (2009). ‘Setting the Size of the Supreme Court’. *Arizona State Law Journal*, 41, 649.

the scope of this paper. To that extent my argument is conditional: if that case is right, then strict party control undermines the epistemic benefits of bicameralism.²¹ Here, I outline two prominent epistemic arguments that have been drawn upon by constitution-makers in their justification for bicameral assemblies. I then try to show that party discipline undermines the epistemic benefits these arguments emphasise.

Second legislative chambers have been defended as *second-opinion mechanisms* aimed at enhancing the epistemic quality of decisions. One might argue that the demand for two opinions also introduces a delay in the legislative process. Such delays can be epistemically productive insofar as they provide a check against momentary passions, preventing them from being embedded in the content of laws. However, the argument for an additional chamber need not rely upon such delays. It is compatible with allowing both chambers to simultaneously consider a bill. Here, the value of bicameralism would lie in multiplying opportunities for rectifying errors. In order to serve this purpose, second chambers need not be epistemically superior relative to first chambers. Instead, as long as they offer an independent judgment, they can provide an additional route for the detection of flaws.

For second chambers to serve this purpose, they must be constituted of a distinctive set of persons. To see why, imagine that all members of the ruling party in the second house were chosen from that party's MPs in the first house. In this hypothetical case, some legislators would serve a dual role as members of the first and second chamber of parliament. This situation is likely to be unacceptable from the perspective of the epistemic case for bicameralism. This is because at least part of the epistemic case hinges on the distinctiveness of members in each house. This distinctiveness is necessary if the second chamber is to provide a second opinion rather than making the same members affirming their own decision twice. After all, they already do so in the form of multiple readings of a bill in the first chamber. Deliberative autonomy and the ability to form independent judgment is crucial for the distinctiveness of legislators. Distinctiveness cannot be simply about the physical presence of two different sets of legislators. If the only permissible view they can voice is one sanctioned by the party's leadership, and if they lack the capacity to form opinions that differ from that view, then distinctiveness no longer obtains. We, then, lose, what the epistemic case for bicameralism suggests, is the value of having two chambers of parliament.

An alternative argument for bicameralism relies on the *division of deliberative labour* it enables. On this account, the epistemic value of the additional opportunity offered by second chamber stems from their compensating for deficits of first chambers. Once again, this account does not suggest that second chambers are epistemically superior relative to first chambers. Rather, it insists that both chambers manifest distinctive institutional features which have their respective costs as well as benefits. On this account, second chambers have institutional features which mitigate some of the epistemic costs imposed by institutional features of first chambers. Consider, for example, the idea that the second legislative chamber serves to provide a 'sober second thought'. Second chambers possess institutional features that are designed to mitigate the impact of hot emotions on decisions. The longer electoral terms of their members, and their smaller numerical size, have both been defended by appealing to this effect. This account might leave us with a puzzle: 'Under bicameralism, if the upper house supplies the sober second thought, why have a politically intemperate lower house in the first place?'. This dilemma dissolves once we recognise that there are also epistemic benefits to having a legislative chamber where emotions are able to play a greater role. Hot decision-making in such chambers can supply vigour, or motivational power. It might also be valued for its propensity to generate new ideas, and being less predisposed towards apparent constraints. In sum, each legislative chamber aims at securing some epistemic values which the other lacks, while relying on its counterpart to mitigate the costs that this entails.

Again, when strict party discipline applied across a bicameral legislature, it deprives us of the epistemic benefits of this division of labour. Decisions are not a product of two chambers constituted in contrasting ways. Instead, decisions affirmed by both bodies are determined externally, without benefitting from the epistemic advantages distinctive to the design of deliberation in each chamber.

(3) *Governmental Control Over Legislation*

As Dominique Leydet argues, the government does not normally rely upon members of the opposition to pass legislation.²² Instead, it tends to count upon the support of MPs belonging to its party, which ordinarily holds the majority, in order to win the day. But the presence of internal dissent from the parliamentary party can change this, and enhance deliberation in two ways. Firstly, as Leydet argues, the need to persuade MPs rather than relying upon their vote gives the legislative debate an 'immediate and significant stake'.²³ The parliamentary party has to be persuaded and not simply mobilized. The government cannot simply restate general arguments in favour of its position in the knowledge that it will ultimately win the legislative vote. Rather, it must attend to criticism from the opposition as well as its own parliamentary party.²⁴ In doing so, it has to outline its own position in greater detail, and clarify why it believes those opposed to it are wrong. This can make

21 For critical perspectives on the epistemic value of bicameralism, see Vermeule, A. (2011). 'Second Opinions and Institutional Design.' *Virginia Law Review*, Vol. 97(6), 1435-74; Schwartzberg, M. (2014). *Counting the Many: The Origins and Limits of Supermajority Rule*. Cambridge University Press, 182-204.

22 Leydet, D. (2015). 'Partisan Legislatures and Democratic Deliberation'. *Journal of Political Philosophy*, Volume 23(3), 16

23 *Ibid.*, 17

24 Knowledge of backbencher dissent can also lend greater urgency to intra-party deliberation. Robert Jackson offers the example of the impact of backbencher votes against the Second Reading of the Labour Government's 1947 bill on conscription. This instance led the Parliamentary Party to pass a resolution stating that backbenchers ought to be consulted through special meetings before legislative debates on major subjects. Jackson, R. (1968). *Rebels and Whips: An Analysis of Dissension, Discipline and Cohesion in British Political Parties*. London: Macmillan, p. 59-60.

the legislative debate more informative for the wider public. Leydet points to the debate over British intervention in Syria as an example. There, the government's knowledge that there was opposition to the government's policy from within the majority's own ranks lent particular urgency to the debate. The Prime Minister was compelled to engage with questions from the opposition and within his own ranks, and released various documents to try and support the government's case. Secondly, dissent from within one's parliamentary party can also generate greater visibility for the legislative debate. Once the stakes are raised by the possibility of the government losing the vote on a bill, more eyes lie on the debate in parliament. This heightened visibility can make the parliamentary debate interesting for the public, and invigorate wider discussion on the issue.

To the extent that strict party discipline stifles legislators' discursive autonomy, it blocks the kind of deliberation emphasised above. It allows the government to rely on support from within its ranks, preventing legislative debates from acquiring greater stakes. It no longer has to engage with contrary positions, and, in the process, outline its own in greater detail. This negatively affects the ability of legislators to enact debate upon issues for the electorate. I have previously argued that backbenchers may be able to use their latent power to influence decisions even in contexts characterized by strict discipline. Russell and Glover point out that this power can influence governmental decisions in subtle ways. Often, the government itself might be unaware that its decisions have been influenced by its anticipation of backbenchers' reactions. Yet, this kind of influence is consistent with failure with respect to parliament's deliberative role on the distributed view. On this non-epistemic account, it is not enough for legislators to have tacit or silent influence. The distributed approach to deliberation insists that parliament ought to serve as a site for public contestation of policies, enabling citizens to make greater sense of the wider political debate in which these are embedded. Restricting criticism of the government and legislative discussion to sites and mechanisms inaccessible by the public might enable legislators to perform their epistemic role. However, the distributed approach to deliberation insists that this is insufficient. It requires public contestation of party's positions, outlining the disagreements that exist between them, even if expressions of dissent do not influence the legislative outcome.

(4) *Limiting the Map of Opinions: Deliberating with the Adversary*

The fourth way in which party discipline costs deliberation is by blocking dissenting MPs from various parties, and not just the ruling party, from voicing their opinions. As previously discussed, the distributed approach suggests that deliberation in parliament ought to present voters with the epistemic location of decisions: a 'map' of available arguments for or against proposed legislations. This map ought to include all, or as many shades of arguments one might find on a certain issue, as possible. Strict party discipline undermines the legislature's ability to do this by privileging the expression of some opinions at the cost of others that might be held within a political party.

Being able to see the map of positions endorsed by one's partisan adversary is valuable in at least two ways. Firstly, it can help blunt the negative edges of polarization. It does this by pointing out the contingency of our adversaries' opposition to our position. Consider, for instance, a polarized debate on same sex marriage, where liberals and conservatives are widely seen as lying on opposite sides of the issue. For liberals, viewing dissensus within the conservative camp can alert them to the contingency of conservative opposition to their position. It can make them aware that opposition to same sex marriage is not a necessary outcome of subscription to a conservative worldview. Rather, they can see that it is possible to defend the contrary position by continuing to appeal to conservative premises. This awareness can help blunt the negative judges of polarization, as when one's partisan's adversaries are viewed as necessarily opposed to the things one values. Being able to find proponents of our own position across the aisle may enhance our willingness to deliberate with partisan adversaries.

Secondly, a more nuanced map of arguments also reduces the demands involved in deliberating across difference to build an overlapping consensus. Situated within our particular worldviews, it is difficult to 'switch' one's perspective, exploring an issue from premises entirely different from one's own. Dissenters within one's partisan adversaries can help make this task easier: they can guide us by demonstrating how our position could find support through the use of premises different from ours. In doing so, they facilitate the task of building overlapping consensus, where agreement can be derived from varying justifications. In other words, there is a difference between *arguing from* an adversary's premises, and *finding arguments* from an adversary's perspective. I have suggested that internal critics of one's adversaries can perform the latter, more demanding task, allowing us to perform the former. Insofar as strict party control increases the difficulty in finding premises that might be used to convince partisan adversaries, it imposes deliberative costs in the classical sense as well.

One might worry that facilitating greater debate between members of parliament might multiply dimensions to a point where this renders debate unintelligible for ordinary citizens. Firstly, concerns about the multiplication of dimensions might be overstated. Indeed, though a rise in the dimensions considered is possible, it is constrained by the partisan context in which it takes place. Dissenters within partisan camps are nevertheless partisans. They are likely attracted to a particular party because they share its perspective on many, if not most, political issues. This perspective includes ways of conceptualising a problem. Insofar as a broad, shared ideological orientation increases the likelihood that political problems are viewed in similar ways, the multiplication of dimensions may be limited even under

relatively loose party discipline. Further, empirical work on the subject emphasises that deliberation plays a significant role in reducing dimensionality. The mechanism through which deliberation does so is equally important. Christian List and his colleagues suggest that 'deliberation may induce a socially co-ordinated reframing of decision problems so as to eliminate certain purely self-regarding and socially inconsiderate preferences'.²⁵ Jon Elster, too, makes a similar point, insisting that public

25 List, C., McLean, I., Fishkin, J., and Luskin, A. R. (2001). *Deliberation, Preference Structuration, and Cycles: Evidence from Deliberative Polls*.

deliberation induces the civilising force of hypocrisy, resulting in a reduction in dimensionality.²⁶ These findings, then, not only highlight the role of deliberation in reducing dimensionality, but also point to the need for a particular kind of deliberative exercise: a public process that helps eliminate self-regarding preferences. Finally—and most crucially—it is not reduction in dimensionality per se that we value. Rather, reduction of dimensionality is valuable only if it happens for good reasons. We ought to distinguish between making a deliberative process simple to access on the one hand, and rendering it simplistic by shedding potentially relevant aspects on the other. It is unclear why the kind of polarisation fostered by strict partisanship reduces dimensionality in the appropriate direction rather than over-simplifying it a normatively suspect way.

(5) Assessing Party Control from a Systemic Perspective

My argument in this article has significant lessons for how we assess parties' relationship with legislators in various jurisdiction. Firstly, I have tried to show that legislatures with anti-defection legislation incur considerable deliberative costs in the epistemic as well as distributed sense. Further, legislatures with strict party discipline, but without anti-defection laws, are also negatively affected in the distributed sense, while potentially incurring epistemic costs as well.

The argument made here also allows us to make some comparative judgments. For instance, it allows us to suggest that the Westminster, with its rising levels of party dissent, better prevents the deliberative costs than the Indian parliament. Whereas the argument has clearer normative prescriptions for the extreme end of the party control/individual autonomy continuum, there are further questions that remain once we acknowledge the negative impact of strict party discipline. Further inquiry would need to examine, firstly, the minimum threshold of dissent needed to prevent these, and secondly, how much dissent a democratic system ought to accommodate. Here, I agree with Dominique Leydet that 'To the questions of how extensive must dissent be, or what form it should take to be effective in this way, there can be no hard and fast answer'. At the same time, it is possible to list some considerations that are relevant to this assessment. My discussion here follows from the systemic approach, which insists that all sites need not conform to a single ideal of deliberation.²⁷ Instead, we ought to see political deliberation in various sites as part of a wider system. Different forums can play different roles in serving the deliberative system. On this approach, strict party discipline might be acceptable, or even warranted, insofar as the costs outlined here are adequately addressed by other deliberative sites.

I. *The Nature of Deliberation in Parties*

The nature of deliberation in parties could affect the degree to which we think party discipline is justified. Firstly, inclusive Intra-party deliberation could ensure that a larger number of participants, and not just a small group of bosses, contribute to the problem-solving process. The epistemic benefits from inclusive deliberation would be particularly strong if the wider party, rather than the parliamentary party alone, were engaged in this deliberative exercise. Indeed, one might worry that there are epistemic benefits to having diverse legislative assemblies deliberating, rather than each party unit engaging with issues in its own silos, filtering those decisions into legislative discussion. Valuable perspectives might be dismissed within a party, which would have had a better chance of surviving deliberative scrutiny when engaged by a more diverse legislature. Deliberation with partisan colleagues might be insufficiently diverse to appreciate good minority perspectives. Something good might be lost in the filtration process from the party caucus to parliament. While these concerns might be valid, it is easy to overstate them. Large, umbrella parties can be adequately diverse for their deliberations to benefit from a variety of perspectives.

Further, intra-party processes could mimic—or even perform better than—the epistemically productive mechanisms bicameralism attempts to introduce. Fabio Wolkenstein recommends that parties establish mini-publics, composed of their own members, in order to bolster intra-party deliberation.²⁸ Such sites could serve as second opinion mechanisms for decisions taken by party elites. They can also enable the kind of close, structured deliberation that the Senate was designed to facilitate. On the other hand, intra-party deliberation can also take place in local branches, drawing upon a wider range of members. This could ensure the kind of inclusive deliberation, and reflection on a wide spectrum of interests, that numerically large legislative chambers were intended to secure.

Finally, intra-party deliberation can also compensate for the impact of party discipline on the legislature's ability to enact debate. Empowered deliberative forums within the party can make the government responsive to concerns voiced by backbenchers. The government may have to engage thoroughly with their concerns in order to obtain their assent for its policies. Having such engagement take place in a public forum can help clarify the government's policy and areas of disagreement. Even when the government refuses to take on board suggestions from its backbenchers, there is value to having forums like legislative committees where dissent can be placed on public record. Similarly, the party caucus could allow members to contest the party's policies. Here, inclusive deliberation might help in the discovery of common ground, which is otherwise lost when electoral incentives result in an emphasis on differences with one's partisan adversaries.

The deliberative costs of strict party discipline could, then, be mitigated by parties. At the same time, this discussion also emphasises why such discipline is troublesome from a deliberative perspective given how parties currently operate. Indeed, many political parties have made important changes aimed precisely at offering members

26 Elster, J. (2011). *Deliberation, Cycles and Misrepresentation*. Paper Presented at the Conference on Epistemic Democracy in Practice, Yale University, October 20–22nd, 2011.

27 For more on the systemic approach, see Parkinson, J., and J. Mansbridge (eds.). (2012). *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge: Cambridge University Press; Owen, D., and G. Smith (2015). 'Survey Article: Deliberation, Democracy, and the Systemic Turn'. *Journal of Political Philosophy*. Volume 23(2), 213–34.

28 Wolkenstein, F. (2015). 'A Deliberative Model of Intra-Party Democracy'. *Journal of Political Philosophy*, Vol. 24(3), 297–320.

the opportunity to influence party affairs. These efforts have taken two main forms: 'giving interested members more opportunities to shape party policy priorities, and giving members the right to vote on important party decisions' (Ibid., 179). Yet, most commentators agree that the impact of such attempts has been modest. More importantly, they remain closely wedded to aggregatist conceptions of democracy, rather than attempting to enhance spaces for intra-party deliberation. These are undoubtedly contingent facts about how parties currently operate. If and when parties undergo reform, adopting inclusive deliberative procedures, the case against strict party discipline on epistemic grounds might have less force. Until such time, however, the deliberative costs of such discipline are particularly acute.

From the perspective of the distributed approach, an additional feature of intra-party forums poses a challenge to their deliberative potential. Legislative discussion, compared to party caucuses, tends to be highly rule-governed. This is true in two senses. The rules of legislative discussion are typically more extensive, covering a larger range of regulatory issues that are relevant to producing better discussion. But these rules also enjoy more credibility in that they are designed to facilitate discussion under conditions of deep disagreement. Legislative bodies are partisan through and through; the primary aim of their rules of discussion is to facilitate discussion between partisan adversaries. In this, they differ from intra-party forums, which have a range of other purposes: mobilizing the party, exhibiting solidarity between partisan colleagues, enthusing the organization's foot-soldiers, building unity around simple messages. Legislative rules are valuable from the perspective of the distributed approach since they can facilitate the outlining of differing positions on bills. Here, one could point to the role of particular rules; for instance, amendment procedures or provisions for clause-by-clause discussion, which enable focused deliberation on particular measures, allowing critics of a bill to outline their grounds. Further, considered generally, rules enable political agents to plan and coordinate how they would like to express their positions on bills. They can, for instance, assess which stages of the legislative process, and which of its attendant mechanisms, would best allow them to carefully explain their more urgent concerns. As such, intra-party forums would need to incorporate more careful regulation of their deliberative processes to perform their role afforded to them by the distributed approach.²⁹

II. *The Nature of Deliberation in Legislative Committees*

A second relevant factor in any assessment of party discipline is the kind of deliberation found in legislative committees. First, such committees can enhance the epistemic quality of decisions. In the absence of whips, legislators can scrutinise bills freely, offering a critical perspective on their own party's line. This enables engagement with a wider range of views than merely those endorsed by party elites. Committees can also enhance their own cognitive diversity through public engagement, aimed at incorporating a greater variety of perspectives. In Britain, Reforms made in 2006 have allowed committees scrutinising government-sponsored legislation to receive written and oral evidence on a routine basis. Apart from governmental ministers and department officials, such evidence is also obtained from representatives of relevant interest groups for a given bill. In Australia, the Public Accounts Committee of the New South Wales Parliament held two citizens' juries when inquiring into electricity reform. Citizens were made to deliberate separately from the committee and then presented their suggestions for the committee to consider. Such mechanisms have been hailed by commentators as influential in expanding legislators' understanding of the issues at stake, and the public consequences of proposed policies. (Levy, Hendricks).

Second, deliberation in legislative committees can also compensate for, or improve upon, the epistemic benefits of bicameralism discussed earlier. For instance, legislative committees tend to be stacked by senior parliamentarians, many of whom enjoy 'safe seats'. This enables them to mimic the long terms and avoid the kind of short-term thinking that second chambers like the Senate were designed to achieve.³⁰ On the other hand, as indicated above, legislative committees can also adopt procedures that enable them to include a wide variety of perspectives. This enables them to approximate the numerical size and cognitive diversity that large representative assemblies, like the House of Commons, attempt to inject into the law-making process.

Third, committees can also play a significant role in legislative deliberation viewed through the distributed approach. They can serve as devices for 'interrupting the flow of government legislation', forcing ministers to provide an account of their proposed bills. Although, like the floor of the legislature, committees are also frequently characterised by partisan behaviour, they also possess features that enable conversation across difference. Committees can facilitate the formation of connections between legislators, providing small forums where they can acquire familiarity, and develop collegial connections between members of different parties.³¹ Further, some committees are characterised by stable membership, which also promotes greater familiarity and collaborative action with other legislators.³² Such forums can,

²⁹ Recognizing the value of rule-governed deliberation should not imply an uncritical perspective towards the impact of rules. Legislative rules have been justifiably criticized on at least two grounds. Firstly, they run the danger of further marginalizing already disadvantaged groups whose communicative styles may not adhere to the 'norm' of what constitute 'orderly' discussion. Activists have argued that requiring them to adhere to non-disruptive and calm modes of expressing their protest is incompatible with the scale of the anger justifiably produced by their dire circumstances. A second objection suggests that legislative rules are insufficient to guarantee adequate deliberation, even where this is understood in the weaker, distributed sense. There are no rules aimed at ensuring responsiveness or uptake that would make legislative debates informative for the public. Despite rules directing legislators to speak to the topic under discussion, there is adequate room to evade pointed questions, deflect criticism, and give ambiguous responses. An adequate response to these objections requires, not dispensing with rule-governed deliberation per se, but ensuring that rules of legislative debate are designed to address such concerns. After all, it is not clear that dispensing with rules would undermine the hegemony of disadvantaged groups or unresponsive lawmakers rather than entrenching it further.

³⁰ As such, they can counter the short-term tendencies of party bosses, who may be driven by the goal of securing electoral victory in chambers constituted through frequent elections.

³¹ Justin H. Kirkand. Chamber Size Effects on the Collaborative Structure of Legislatures. *Legislative Studies Quarterly* Volume 39, Issue (2014), 169-198

³² Arter, D. (2003). 'Committee Cohesion and the 'Corporate Dimension' of Parliamentary Committees: A Comparative Analysis'. *Journal of Legislative Studies*, 9(4), 76. Levy, J. (2009). *Strengthening Parliament's Powers of Scrutiny? An Assessment of the Introduction of Public Bill Committees*. London: The Constitution Unit, 15-16.

therefore, foster the kind of reciprocity that enables legislators to speak across party lines.

Legislative committees, then, can serve as sites where the deliberative costs of strict party discipline could be mitigated. Insofar as they work well, strict party discipline on parliamentary votes might be less objectionable on grounds of its impact on legislative deliberation. That said, a few words of caution are necessary. Firstly, although legislative committees hold considerable promise from a deliberative perspective, a closer look at how they operate in various democratic systems is warranted. The membership of legislative committees tends to be determined by party elites. This allows them to cherry-pick legislators to serve in these committees, excluding those who are likely to dissent.³³ Party elites can also influence the work of committees in other, subtler ways. For instance, in Westminster, whips are able to influence the timetable for evidence-taking and control who gets invited as a witness by committees.³⁴ This affects their epistemic contribution, as well as their ability to enact debate on policies. Although these are contingent facts about how committees work, they point to why such forums are presently poorly placed to mitigate the impact of strict discipline on legislative discussion.

(6) Conclusion

I have argued that strict party discipline stifles legislators' discursive autonomy, and that this negatively affects deliberation in parliament. Let me now return to the particular case that motivated much of the analysis in this article. My argument in this article underscores why strict party discipline in India is particularly suspect from a deliberative perspective. I have argued that the costs of party discipline outlined here could be offset by forums like the party or legislative committees. The deliberative performance of these sites remains significantly suspect in India. Although there are no studies on deliberation within parties, anecdotal evidence suggests that intra-party discussion is considerably weak, with decisions taken in a top-down manner. Moreover, existing commentary shows lack of any internal democracy in parties. The selection of candidates is a highly centralised process, and executive committees themselves are dubious, if not non-existent procedures, in most cases. Insofar as elections serve as occasions where party platforms have to be defended by incumbent leaders, this further underscores the intra-party deliberative deficit in India. Similarly, the role of legislative committees is undermined since the government often bypasses these, instead taking decisions within the cabinet. These are then sent to parliament for ratification, where the anti-defection law ensures safe passage. The deliberative failures of other sites, then, exacerbate the deliberative costs of a particularly strict form of party discipline in India.

³³ Russell and Gover, *Legislation at Westminster*, 123; Gallagher, M. (2000). 'Parliamentary Control of the Executive in Ireland: Non-party, Interparty, Cross-party and Intra-party'. Paper presented at the joint sessions of the European Consortium of Political Research in Copenhagen, 26.

³⁴ Levy 2010



Institute's Office Building 23, Level B University of Canberra ACT 2601

Research and PhD Enquiries Telephone +61 2 6201 2755 **Professional Development and Education Enquiries Telephone** +61 2 6201 2977

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