

CRACKING THE WHIP: THE UK'S PARTY CONTROL SYSTEM

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Abstract

After the fall of the Nazi regime, in 1949, in an attempt to ensure against the rise of future dictatorships, the new German constitution included the right of German MPs to be 'representatives of the whole people, not bound by orders or instructions, and responsible only to their conscience'. No such protection exists for the UK's elected representatives. Instead, this report finds, at the heart of the UK parliament is a party control system which operates under a code of silence, or 'omerta', and which retains its potential for the bullying, bribery or blackmail of the country's MPs. This is known as 'the whipping system'. Its enforcers are the MPs known as 'the whips'. In government, they have the status of ministers, and are paid as ministers but, despite numerous whistle-blowing testimonies from across decades, they have never been held accountable, even to the Ministerial Code. Under the system MPs are required to vote against their judgement or conscience, should these conflict with party policy, or the diktats of their party leader. The constitutional implications range from the creation of, albeit temporary, elective dictatorships, to the perpetuation of an oppositional two-party system and the imposition of a party unanimity which makes a mockery of representative democracy. This report exposes the tactics, psychological underpinnings and wider effects of the whipping system. It investigates the whipping system's significant role behind two landmark parliamentary votes: the vote to attack Iraq, and the vote to trigger the process of leaving the European Union. It explores international and local alternatives, and concludes by arguing for continuing illumination, opposition, and change.

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Executive summary

This report is one of the first to explore the tactics, effects, implications and legality of the UK whipping system. It draws on press reports, archives, interviews, analyses, memoirs, commentaries and the personal testimonies of both former MPs and whips, some of whom have understandably preferred not to be named.

The report reveals the whipping system which extends beyond parliament, into local government and, increasingly, to the selection of future MPs. No aspect of our politics is untouched. Significantly, it analyses the whipping operations behind two parliamentary votes of incalculable consequence for the UK and beyond; the vote to attack Iraq, and the vote to trigger Article 50. It assesses and supports the conclusion of a former government whip – that the results of both votes would have been different without the whips' involvement.

The report considers possible reforms, including the abolition of the entire whipping system. It argues that, realistically, change must be achieved through incremental action, and that MPs should agitate both for legal limits to the whips' activities, and for legal protection for an MP's right to vote with their conscience, as established in German Basic Law. It also argues that, since one of the justifications for the whips is that they are party managers, MPs should insist on calling them that.

Chapter 1 sets out the physical and psychological background against which the whipping system is set. It details the basic structure and estimated cost of the parliamentary whipping system. It investigates the current powers of the whips, which range from the allocation of offices to the authorisation of absences and overseas trips, to career progression or termination. It illuminates the 'usual channels', in which the government Chief Whip and the opposition Chief Whip arrange the detail of which legislation will be debated and passed, without necessarily consulting the Cabinet. It examines testimonies of blackmail, bullying and bribery, and other techniques of the whips.

Chapter 2 examines defences of the whipping system, and the constitutional implications of their role as their leaders' 'Praetorian Guard'.

Chapter 3 begins with the assertion, by a former government whip, that without the whipping system the UK would neither have attacked Iraq or voted, without further discussion, to implement Article 50 and trigger the Brexit process. It details and analyses the whipping process behind both votes and concludes, on the evidence of the compulsion, emotional blackmail, disinformation, manoeuvring or bullying which took place, that this is a reasonable proposition. The result, in the first case, was opposed by a majority of both Conservative and Labour voters. The result, in the second case, was supported by a minority of the population, and is now regretted by an increasing majority. The implications for representative democracy are clear.

Chapter 4 explores the whipping system within the House of Lords, and local councils. Internationally, it compares the UK whipping system to the system in Germany, where many of its practices are proscribed by German Basic Law; to Hungary, where party whips are also party leaders; and to Canada, where whipping practices are remarkably similar, and where there are similar calls for change.

Chapter 5 focuses on the issue of reform. It details efforts to question, curtail or expose the activities and power of the whips; the few successful attempts to reform the constitutional power balance between the executive and the UK parliament, and those which the whips have blocked. It examines the extension of the whipping system's methods into the imposition and selection of party candidates, and warns of the constitutional dangers posed by MPs chosen en masse for their willingness to obey the whips and the leadership line.

In conclusion, this report argues that the whipping system continues to have a fundamental and deleterious effect on UK democracy. But calls for its complete abolition have a charm equal to their improbability. Instead, the report argues for a gradual transformation of the system, suggesting actions to empower and protect our elected representatives, respect the country's people and strengthen our democracy overall.

Content note: This report examines the reality and constitutional implications of the UK's whipping system. Readers of a sensitive disposition may be distressed by the consequent, and, in anyone's reckoning, excessive, use of the words 'whip', 'whipped' and 'whipping'. If so, the writer entirely sympathises.

Introduction

The concept of a freely elected politician being whipped to make him forget his principles and vote instead for a measure that he does not agree with strikes at the heart of representative democracy

Tim Renton, former Chief Whip to Margaret Thatcher¹

In 1742, Henry, or Heneage, depending on who you believe, Finch praised ‘the Whigs’ as having ‘whipped in better than the Tories.’² It was the first recorded use of this hunting term in a parliamentary context, and for that Heneage (or Henry) can, on one level, be congratulated.

Almost three hundred years later, the terminology of whipping dominates the daily business of UK government. Despite, or because of, concomitant connotations of ‘sado-masochistic rituals of domination,’ it is as firmly and strikingly embedded in Westminster’s psyche as Big Ben.³ Chief Whips sit on the party benches in the Commons and in the Lords. Dozens of MPs act as deputy whips, or junior whips, whipping their fellow party MPs into the voting lobbies. Every week the whips send out a document, called ‘The Whip,’ instructing their MPs how and when to vote. A ‘one-line’ whip, referring to the underlining of an instruction, is a suggestion that MPs should comply. A ‘three-line whip’ demands absolute obedience. For defying a ‘three-line whip,’ or for other egregious behaviour, MPs risk being sacked from their party by ‘having the whip withdrawn’: left to sit shunned in Parliament as an independent, until they are voted out at the next general election, or have ‘the whip restored’.

Most of the general public are ‘blissfully unaware’ of the whips’ existence, claims one parliamentary website, but, thanks to the headlines, reminders nevertheless periodically lurch into view.⁴ “So-and-so has lost the party whip”. “Labour has applied a three-line whip”. “A deputy Chief Whip has resigned”. But despite the system occasionally breaking cover, few people indeed know what all of this means, and the language suggests that they wouldn’t want to. In public the whipping system is, as A.C. Grayling has pointed out, ‘almost never discussed.’⁵

1 Tim Renton, *Chief Whip: People, Power and Patronage in Westminster* (Methuen, 2004), p. xii.

2 *Whips and the Origins of Parliamentary Whipping* [<https://historyofparliamentblog.wordpress.com/2019/07/19/whips-and-the-origins-of-parliamentary-whipping/>], accessed: 12 June 2022; *The Whips’ Office* [<https://researchbriefings.files.parliament.uk/documents/SN02829/SN02829.pdf>], accessed: 12 June 2022.

3 Biko Agozino *The Whip in the House: Rituals of Social Control in Parliament and Society* (Sociology and Criminology, 2015), p. 6. Available at: [<https://www.longdom.org/open-access-pdfs/the-whip-in-the-house-rituals-of-social-control-in-parliament-and-in-society-2375-4435-1000118.pdf>], accessed: 29 July 2022.

4 *Whips and Their Work* [<https://w4mp.org/w4mp/w4mp-guides/whos-who/whips-and-their-work/>], accessed: 1 August 2022.

5 A.C. Grayling, *Democracy and its Crisis* (Oneworld, 2018), p.135.

And yet the public should be aware of the whipping system. There is hardly anything more important, democratically speaking, than the fact that MPs are rarely free agents: that they are told how to vote, or made to vote, in a way which does not necessarily reflect their consciences, their constituents' interests, or the interests of the country. Once this is understood, the disparity between public opinion and MPs' voting records becomes more explicable, if no more tolerable.⁶

The whipping system also sits at the epicentre of long-held, if rather more specialised, concerns about the very nature of our democracy. Boris Johnson's tenure as Prime Minister crystallised many of these, from the potentially unlimited power of the prime ministerial role, to the limited power of parliament in the face of an increasingly dominant executive. Was the UK sliding towards state capture?⁷ While fondly imagining itself to be a representative, parliamentary democracy, was the UK, in truth, an 'elective dictatorship'?⁸

Johnson's own resignation, when it eventually came, failed to allay such fears. Claiming an 'incredible' and 'colossal' mandate from 'millions' of voters in his resignation speech, his 80-seat majority was 'repeatedly presented as a collective mandate of 14 million people and not as 365 mandates' commented Professor Sam Whimster of the Global Policy Institute.⁹

Obvious appeals to populism aside, Johnson's side-lining of his party MPs in this way reflected a continuing concern, if, in the public's case, a vague one, about our representatives. What were MPs there for? Who did they represent? Clearly, in the eyes of Johnson, and his backers, MPs were there to rubber-stamp Prime Ministerial decisions. Burkean discussions of to whom MPs owe their parliamentary vote were out. The answer was plainly: 'the Leader'. As a result, Johnson felt able to dismiss and deselect those Members of Parliament who disagreed with him.

6 *Biggest Ever Poll Shows huge support for Nationalisation*, (16 August 2022), [<https://weownit.org.uk/blog/biggest-ever-poll-shows-huge-support-nationalisation>], accessed: 1 October 2022.

7 Liz David-Barratt, *Is the UK Sliding into State Capture?* (The Constitution Society, 2022), [<https://consoc.org.uk/is-the-uk-sliding-into-state-capture/>], accessed: 10 September 2022.

8 Nat le Roux, *Elective dictatorship? The democratic mandate concept has become dangerously over-extended* (LSE blogs, 2014) Available at [<http://eprints.lse.ac.uk/74606/1/blogs.lse.ac.uk-Elective%20dictatorship%20The%20democratic%20mandate%20concept%20has%20become%20dangerously%20over-extended.pdf>], accessed: 2 September 2022.

9 Sam Whimster *Boris Johnson – A Failed Caesar?* (The Federal Trust for Education and Research, 2022), [<https://fedtrust.co.uk/boris-johnson-a-failed-caesar/>], accessed: 23 August 2022.

Johnson was not, of course, the first Prime Minister to bring these issues into sharper focus, and it is doubtful that he will be the last. He had used every tactic in the whips' books to hold on to power; it was ironic, and fitting, that in the end, his undoing was his re-appointment of a 'sex pest', as the Daily Mail had it, as his deputy Chief Whip.¹⁰ The accusations of bribery, bullying and blackmail which swirled around Johnson's exit appear already to have been forgotten, but, as this report will show, they represent a side to the UK's democratic reality which should never be ignored.

10 *Tortoise Media* (14 March 2022), [<https://www.tortoisemedia.com/audio/shadow-whipping-the-men-who-saved-boris/>], accessed: 27 July 2022;
Daily Mail, (23 July 2022), [<https://www.dailymail.co.uk/news/article-11040925/Sex-pest-MP-Chris-Pinchers-furious-constituents-want-GONE.html>], accessed 13 October 2022.

Chapter 1: Delivering the vote

1.1: The setting

When a new MP arrives at the Palace of Westminster, they are not merely entering an asbestos-ridden, leaky, fire-hazard of a building, with a Commons debating chamber deliberately designed to be too small for all MPs to sit down.¹¹ They are entering a facade with a specific culture. In her 2018 independent inquiry into the bullying of House of Commons staff, Dame Laura Cox described it as ‘a culture, cascading from the top down, of deference, subservience, acquiescence and silence, in which bullying, harassment and sexual harassment have been able to thrive and have long been tolerated and concealed’.¹² A 2020 survey for ITV found that most black, Asian and minority ethnic MPs had experienced racism while working in parliament, including from their colleagues.¹³ Revisiting her report in 2021, Cox reported that women MPs were specifically targeted, with the intention of ‘intimidating or silencing them, or persuading them to leave’.¹⁴

A range of MPs, over the years, have described their first encounters with the House of Commons. Joe Ashton, a former steel worker, arriving in 1968, called it a culture shock equivalent to ‘a gaol sentence, national service square bashing, or old-time public school thrashing and debauchery’.¹⁵ The ‘humiliation’ the usually unflappable Gyles Brandreth experienced on his first day at the Commons, in 1992, left him, as a 44 year old, ‘trembling with the shame of it’ like a ‘schoolboy’. He compared leaving the House of Commons to the end of term at a ‘minor public school’.¹⁶ In 2022, Rory Stewart, a former Cabinet Minister, and an MP from 2010 to 2019, described a ‘ruthless, often humiliating process’, and compared it to the institutional ritual of ‘hazing’.¹⁷ ‘Like an indoctrination into public school’ confirm two MPs, one Labour, one Conservative.¹⁸

11 *The Guardian*, (1 December 2017), [<https://www.theguardian.com/news/2017/dec/01/a-tale-of-decay-the-houses-of-parliament-are-falling-down>], accessed 13 October 2022; HC Deb, 28 October 1943, col 403.

12 Dame Laura Cox, *The Bullying and Harassment of House of Commons Staff* (Independent Inquiry Report, 2018), p.4.

13 *Politico* (17 February 2020), [<https://www.politico.eu/article/most-non-white-uk-mps-have-experienced-racism-study-itv/>], accessed: 29 July 2022.

14 Dame Laura Cox, *A Woman’s Place is in the House: Reclaiming Civility, Tolerance and Respect in Political Life* (Political Quarterly, 2021), p.22.

15 Joe Ashton, *Red Rose Blues: The Story of a Good Labour Man* (Macmillan, 2000), p. 92.

16 Gyles Brandreth, *Breaking the Code: Westminster Diaries* (Biteback, 2015), pp. 78, 79, 431.

17 *Sky News* (20 January 2022), [https://www.youtube.com/watch?v=1jHA_r3OpWo], accessed: 3 July 2022.

18 Interviews with the writer (18 October 2022/16 January 2023).

The public school backgrounds of cabinets and Prime Ministers are relevant beyond the entrenchment of privilege.¹⁹ Recent disclosures and investigations by, among others, Alex Renton and Richard Beard, have exposed an appalling history of abuse at numerous UK boarding schools.²⁰ Heart-breaking stories of beatings, privation or sexual predation surround the lives and experience of many within our parliament, including our Prime Ministers, recent and past.²¹

Both Beard and Renton describe the dislocation, isolation, misery and terror of boarding schools, with their humiliating rituals, and the code of silence about abuse, in which 'sneaking' to outsiders was the ultimate sin. Those who have experienced the whipping system may recognise parallels. The inside of the Whips' Office, with its gentleman's club atmosphere, and its code of omerta, is described as like being in a sanctum, the safest house in Europe, or a secret society.²² Outside, the newly elected Gyles Brandreth is urged by 'his' whip, David Davis (who he describes as 'D.D of the S.S.) to read out a 'cheap, contrived and graceless' question in the debating chamber. After this initiation, humiliated and despising himself, Brandreth goes on to do everything he can to 'earn brownie points' with the whips, and ends up joining them.²³

Brandreth's often moving, and graceful, book, *Breaking the Code*, published in 2006, was the first to go public about the Whips' Office. 'I broke the whip's code of silence – something no whip had ever done before' he writes. A Conservative government whip from 1995 to 1997, he was sent a piece of paper with a black spot on it on the day of his book's publication and found former fellow whips turning away from him in the street. Just as government whips do not speak in debates in parliament, or give press interviews, 'whips *never* talk about what they do or how they set about it. That's the rule.'²⁴

19 See, for example: *Elitist Britain 2019* (The Sutton Trust and the Social Mobility Commission, 2019), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811045/Elitist_Britain_2019.pdf]. accessed: 17 November 2022.

20 Alex Renton, *Stiff Upper Lip* (W & N, 2017);

Richard Beard, *Sad Little Men: Private Schools and the Ruin of England* (Harville Secker, 2021).

21 Sam Spedding, *The Psychological Consequences of Boarding School* (British Psychological Society, 2002), [<https://www.bps.org.uk/psychologist/psychological-consequences-boarding-school>], accessed 11 August 2022;

Mail On Sunday (14 September 2019), [<https://www.dailymail.co.uk/news/article-7464599/How-David-Cameras-brutal-prep-school-1970s-featured-regular-beatings.html>], accessed: 12 August 2022;

The Times (June 15 2022), [<https://www.thetimes.co.uk/article/i-was-abused-at-boarding-school-will-children-like-me-ever-be-safe-8b27hd9tv>], accessed: 12 August 2022.

22 Seb Coe, *Running My Life: the Autobiography* (Hodder & Stoughton, 2012), p. 271.

23 Brandreth, *Breaking the Code*, pp. 79, 87, 117.

24 *Ibid.*, p. 523.

1.2: Appointment, remuneration and power

The Chief Whip of the government is ‘one of the most powerful officials in the House of Commons’ and holds ministerial status.²⁵ Prime Ministers appear to move ministers up and down a ministerial league table, but, wherever the Chief Whip is ranked (currently above the Leader of the House, the Attorney General and several Ministers of State), they automatically attend Cabinet and as a result are paid, on top of their MP’s salary, £67,505 a year.²⁶

Chief Whips are appointed directly by the Prime Minister, or, in opposition parties, by the party leader. They administer the whipping system, and directly appoint their Deputy Chief Whip, and the junior whips. As part of the system, the Government Chief Whip and Opposition Chief Whip also operate what is known as ‘the usual channels’. This is a scheme in which the Government Chief Whip’s private secretary, a senior civil servant, rarely spoken of in public, shuttles between the two Chief Whips, getting the Commons timetable for debates and legislation agreed between them.

While this sounds civilised and even equitable, the civil servant is actually there on the government’s behalf: ‘to head off trouble, to spot the points at which the government’s law-making may run into difficulty and find ways around them, or at least ways to contain the resulting problems.’²⁷

The ‘usual channels’ operate behind the scenes. They are criticised by the smaller parties, who are excluded from the process. They facilitate the government’s almost total control of the legislative agenda. But, ‘the whole system would collapse if it was opened up’ says one anonymous interviewee.²⁸ ‘And so you fix it all up’, a former Chief Whip explained. ‘The business of the House is settled by the Chief Whip with the Opposition Chief Whip secretly and privately before it ever goes to Cabinet. They fix it up between them, what would be acceptable.’²⁹

25 Agozino, *The Whip in the House*, 2015

26 *His Majesty’s Government: The Cabinet* [<https://members.parliament.uk/Government/Cabinet>], accessed: 7 February 2023.

27 *The Critic* (May 2022), [<https://thecritic.co.uk/issues/may-2022/whitehalls-whispering-mandarin/>], accessed: 12 December 2022.

28 Hansard Society, *Opening Up the Usual Channels* (December 2002), [https://assets.ctfassets.net/n4ncz0i02v4l/2Qm5jXsrtNXgOfZYutPN3s/11293d4f49419c382d38369a4ffd7c28/Opening-up-the-Usual-Channels-2002_HansardSociety_publication.pdf?utm_source=https://www.hansardsociety.org.uk], accessed: 1 December 2022.

29 Emma Crewe, *The House of Commons: An Anthropology of MPs at Work* (Bloomsbury, 2015), p.125.

Junior government whips also hold ministerial rank, and are paid £31,680 a year on top of their MP's salary.³⁰ In 2017 (the latest figures, according to the House of Commons press office) the Opposition Chief Whip was paid an extra £33,490 and 'not more than two' assistant Opposition Whips were paid £19,523 each.³¹ There are currently around fourteen junior Conservative whips and thirteen junior Labour whips in the House of Commons.³²

In 2010, the MP Peter Bone estimated the total cost of the whipping system's ministerial salaries, over the course of a parliament, as £6.5 million.³³ This does not, clearly, include the staff of the whips' offices. No figures were available as to how many such staff are employed in the background, but Professor Graham Allen estimates that 'there are more people on the government pay roll in the Whips' Office as ministers or quasi ministers to control Parliament than are paid to run our health service or national defence, or any other department of state'.³⁴

The whips' traditional responsibilities include the allocation of offices to MPs, authorising MPs' absences, counting the votes in parliament ('telling'), 'pairing' – which matches a government MP with an opposition MP, thereby allowing both to miss a vote – and allocating places on trips abroad. They are also responsible for liaising between the leaders and the backbenchers, 'keeping one informed of the views of the other'. Each whip is given both a department and a 'flock' of M.Ps to concentrate on.³⁵ Their duty is to get their MPs in to the chamber to vote, and to vote as they are told to.

'Let us imagine what would happen if any other organisation, private company or individual told a Member of Parliament when to speak, what to say or how to vote' suggested Peter Bone in the House of Commons, in 2011. 'They would be hauled before the House for contempt, but that is exactly what the Whips try to do every day. They will flatter, cajole, threaten or even use blackmail to achieve this'.³⁶

30 Members' Pay and Expenses and Ministerial Salaries 2022 [<https://researchbriefings.files.parliament.uk/documents/CBP-9514/CBP-9514.pdf>], accessed: 10 September 2022.

31 Salaries of Leader of Opposition and Opposition Whips [<https://erskinemay.parliament.uk/section/6025/salaries-of-leader-of-opposition-and-opposition-whips/>], accessed: 10 September 2022.

32 The figures for Conservative whips are from 2019. As of 28.1.2022, the Cabinet Office has not replied to a request for the current numbers of government whips;

Whips: What is their Role? [<https://www.instituteforgovernment.org.uk/article/explainer/whips-what-their-role>], accessed: 7 August 2022;

His Majesty's Official Opposition: Whips' Office (Commons) [<https://members.parliament.uk/Opposition/Department?departmentId=105>], accessed: 2 January 2023.

33 HC Deb 9 September 2011, vol 532, col 720.

34 Interview with Graham Allen (20 September 2022).

35 Erskine May, *Duties of Whips*, [<https://erskinemay.parliament.uk/section/5989/duties-of-whips/>], accessed 24 July 2022.

36 HC Deb 9 September 2011 col 715.

1.3: Blackmail

‘The Whips can no longer maintain Westminster’s shroud of secrecy’ announced the Independent, in 2014.³⁷ It was referring to a clip, which had just resurfaced on Newsnight, of Tim Fortescue, a Conservative whip in the 1970’s, explaining that the Whips’ Office would cover up scandals in which MPs were involved, ‘because if we could get a chap out of trouble then he will do as we ask forever more’.³⁸

‘Thanks to Gavin Williamson, the era of dark arts in the whips’ office is over’ reported a Guardian piece, in November 2022, expressing the hope that the ‘dark arts’ could no longer ‘remain reliably in the dark’.³⁹ Williamson, the Chief Whip to Teresa May in 2017, had just resigned after sending abusive text messages to a colleague.

When the messages were leaked, one of Williamson’s old deputies in the Whips’ Office, Anne Milton, had seized the opportunity to blow the whistle.⁴⁰ Milton detailed Williamson’s love of ‘salacious gossip’, gossip which he would use ‘as leverage against MPs if the need arose’. ‘It was shocking’, she told Channel 4, ‘to even consider that you would use somebody’s problems, be it physical or mental or drinking problems, as a means of getting them to vote with the government’.

It was shocking, but it was not surprising. Tales of the infamous ‘black book’ - the catch-all term for the details whips keep on their fellow MPs - are widespread and continue into the present.⁴¹ Despite a collective amnesia on the subject, the whips’ history is littered with examples of whips attempting to ‘use somebody’s problems as a means of getting them to vote with the government’ - and to target the other side. ‘What do you know about Gordon Brown?’ Gyles Brandreth was asked excitedly one day in the Whips’ Office. ‘Is he gay? We need to nail the bugger. If there’s dirt to dish, this is the week to dish it’.⁴²

37 *The Independent* (8 July 2014), [<https://www.independent.co.uk/voices/comment/the-whips-can-no-longer-maintain-westminster-s-shroud-of-secrecy-9592971.html>], accessed: 27 July 2022.

38 Quoted in: Brandreth *Breaking the Code*, p.522.

39 *The Guardian* (11 Nov. 2022) [<https://www.theguardian.com/commentisfree/2022/nov/11/gavin-williamson-dark-arts-whips-office-over>], accessed: 12 Nov. 2022

40 *Channel 4 News* (8 Nov. 2022) [<https://www.channel4.com/news/exclusive-gavin-williamsons-former-deputy-alleges-wholly-inappropriate-threat-made-to-mp-in-financial-trouble>], accessed: 12 Dec 2022.

41 Anna Bailey, *Control: instruments of informal governance* (Global Encyclopaedia of Informality, Vol. 2, 2018), p. 433;

Brandreth, *Breaking the Code*, p. 388.

42 Brandreth, *Breaking the Code* p. 164.

In January 2022, Conservative MP William Wragg came forward on behalf of several other MPs, and effectively accused the government, and its whips, of multiple cases of attempted intimidation and blackmail.⁴³ In 2019, Conservative MP Johnny Mercer went public, citing three attempts by party whips to 'get dirt' on him and adding that his colleagues were 'oddly fearful' of the whips.⁴⁴ In both cases, Gavin Williamson had been long gone as Chief Whip, having been replaced, in succession, by Julian Smith, Mark Spencer and Chris Heaton-Harris.⁴⁵

Nor is this behaviour confined to one party. In 2001, Tess Kingham, then Labour MP for Gloucester, refused to vote for the Labour government's cuts in disability benefits, which had not been in the party manifesto. Labour whips then threatened her with the withdrawal of resources from her constituency. When she complained to one of the papers, the whips threatened to expose her private life in the tabloids.⁴⁶

Further back, under John Major's government, during the Maastricht negotiations, the late MP Sir Nicholas Fairbairn had voiced the complaints of many about the whips' behaviour: 'I am appalled at numerous reports that the Whips saw fit to threaten to expose extra-marital conduct by backbench colleagues in order to persuade them to abandon their consciences' the *Spectator* quoted Fairbairn as saying. 'There has been, so far as I am aware, no denial of these reports.'⁴⁷

At around the same time, then government whip Andrew Mitchell was covering up for one of his 'flock'; whose wife had been under the impression that he was at the House of Commons, when he was not. 'He thanked me for not blowing his cover... I smiled and said I was sure that from now on we could absolutely rely on his vote – in every division, without qualification. He quickly assured me that we could.'⁴⁸

The whips' success in propping up the minority Callaghan government was, according to Labour whip Joe Ashton only made possible by 'wiles and guile, blackmail, gambits and checkmates'.⁴⁹ 'My job is bullying people, blackmailing them, bullying them' said another whip, interviewed anonymously by Cambridge academics in 1977.⁵⁰ Telling

43 *The Independent* (20 January 2022), [<https://www.independent.co.uk/news/uk/politics/boris-johnson-blackmail-william-wragg-b1996988.html>], accessed: 19 July 2022.

44 *Politics Home* (11 April 2019) [<https://www.politicshome.com/news/article/tory-mp-johnny-mercer-claims-party-whips-are-asking-old-army-colleagues-to-dig-up-dirt-on-him>], accessed: 20 July 2022; *Daily Mail* (16 April 2019) [<https://www.dailymail.co.uk/news/article-6927725/MP-Johnny-Mercer-gets-grovelling-apology-Tory-chief-whip.html>], accessed: 19 July 2022.

45 *Parliamentary Secretary to the Treasury (Chief Whip)* [<https://www.gov.uk/government/ministers/parliamentary-secretary-to-the-treasury-and-chief-whip>] accessed: 1 January 2023

46 *The Guardian* (12 June 2001), [<https://www.theguardian.com/politics/2001/jun/12/politicalcolumnists.comment>] accessed: 8 December 2002.

47 *The Spectator* (20 May 1995) [<http://archive.spectator.co.uk/article/20th-may-1995/11/westminsters-secret-service>], accessed 1 September 2022.

48 Andrew Mitchell, *Beyond a Fringe: Tales from a Reformed Establishment Lackey* (Biteback, 2021) p. 280.

49 *Ibid.*, p. 177.

50 Donald Searing & Chris Game *Horses for Courses: The Recruitment of Whips in the British House of Commons* (*British Journal of Political Science*, Vol 7, Issue 3, 1977) p. 277. Available at: [<https://www.cambridge.org/core/journals/british-journal-of-political-science/article/abs/horses-for-courses-the-recruitment-of-whips-in-the-british-house-of-commons/D8C0EB102EACC7852042BD52F1CB25E5>], accessed: 1 July 2022.

MPs ‘if you don’t vote the right way, we’re going to tell the papers about your awful, you know, alcoholic life or dreadful personal habits’ was the traditional view according to Claire O’Neill, former Conservative minister, and a whip in 2013.⁵¹ As for the accusations brought by Wragg and others: ‘everyone knows that goes on’, said a former minister, and recently retired MP, when interviewed for this report.⁵² Another former MP agrees: ‘The idea that this is new and it’s just this Conservative government that’s done it is ridiculous.’⁵³

It takes the courage of a whistle-blower to speak out about blackmail, and to face the consequences. As a Conservative grandee, Nicholas Fairburn was, presumably, fairly untouchable. Johnny Mercer, extraordinarily, and perhaps because of his military background, reportedly received a ‘grovelling apology’ from then Chief Whip Julian Smith.⁵⁴ But Tess Kingham felt forced to stand down at the next election, after whips’ behaviour which she called ‘an affront to democracy.’⁵⁵ Anne Milton, when blowing the whistle on Gavin Williamson, was no longer an MP. The bravery of William Wragg went largely unacknowledged. Wragg subsequently announced that he was to leave parliament.

The examples gathered here are revealing, but they are by no means exhaustive. As a rule, such testimonies are mocked, flatly denied, or simply ignored. Action has never yet been taken against ministers accused of blackmail. MPs have failed to unite in support of its potential victims. The whipping system itself has never yet been investigated over any such instances, let alone officially censured for them. The public, meanwhile, remain largely ignorant of the use of this tactic, and of the purposes for which it is applied, to the MPs they are paying, by other MPs, for whom they are also paying.

1.4: Bullying

Of the ‘three B’s’ of the whips – ‘bribery, blackmail and bullying’⁵⁶ – bullying is the widest spread societal problem. The Guardian’s declaration, in November 2022, that ‘this generation of MPs... won’t put up with the toxic working practices their elders did’ was optimistic. In fact, it was set against ‘tales of tearful backbenchers’ surrounded by whips, bullied and manhandled, during a Commons vote the month before.⁵⁷

51 *Tortoise Media* (14 March 2022), [<https://www.tortoisemedia.com/audio/shadow-whipping-the-men-who-saved-boris/>], accessed: 27 July 2022.

52 Phone interview with former Minister (20 October 2022).

53 Phone interview with former MP (18 October 2022).

54 *Daily Mail* (16 April 2019) [<https://www.dailymail.co.uk/news/article-6927725/MP-Johnny-Mercer-gets-grovelling-apology-Tory-chief-whip.html>], accessed: 19 July 2022.

55 *The Independent* (10 June 2001), [https://www.google.co.uk/books/edition/Democracy_in_Britain/s8-qBgAAQBAJ?hl=en&gbpv=1&dq=tess+kingham+%22affront+to+democracy%22&pg=PA10&printsec=frontcover], accessed: 28 July 2022.

56 Grayling, *Democracy and its Crisis*, p. 137.

57 *BBC News* (20 October 2022), [<https://www.bbc.co.uk/news/uk-politics-63322533>], accessed: 1 November 2022.

In 2017, Andrew Mitchell, a former Chief Whip to David Cameron, was asked about the rumours of whips' bullying at the time of the Brexit votes. Mitchell told the Guardian that:

There is a myth about whipping that it is all about bullying people but it isn't, because MPs are pretty robust characters and, frankly, if a whip tries to bully one of their flock they're quite likely to be sent away with a two-word message, the second of which is off.⁵⁸

As is almost invariably the case when the whips' tactics are questioned, this rebuttal was seemingly accepted at face value.

In 2021, Mitchell's touching, almost recklessly honest, memoirs, which cover his first stint as a whip in John Major's government, were published. In them, he recalls, with no apparent pleasure, a curiously unpleasant interlude with one of his 'flock', who was 'taking to the airwaves and making trouble'. How best to rein him in? As Mitchell tells it, the deputy Chief Whip, David Heathcoat-Amory, exclaimed: 'I've got it. I was at school with him. I know exactly which lever to pull. Andrew, get him into the office and stand by the door so he can't get out. Greg and I will shout at him.'

Mitchell, a comparatively large man, duly – and menacingly – informs the MP that the deputy Chief Whip wants to speak to him in the Whips' Office. He then blocks his exit. Heathcoat-Amory proceeds to call the MP an 'intellectual masturbator' and another whip, Greg Knight, piles in, 'heaping further humiliation upon him'. 'He was allowed to leave after ten minutes of this', Mitchell records. Later, Mitchell comes across him in the House of Commons Tearoom, 'staring miserably into a mug of coffee...in the following months, at no point did he ever vote against the government.'⁵⁹

'Trying to decide what treatment was appropriate and would be effective for each of our colleagues was a particularly difficult task' admitted Tim Renton, who, in his obituaries, was generally described as 'too gentlemanly', and lacking the ruthlessness, to be a good Chief Whip.⁶⁰ 'Gentlemanly, cunning, one-sided and selfish' the Telegraph obituary nevertheless quotes, from an old interview Renton had given to Pravda. Renton, who also described his role as that of a 'counsellor and a nanny', was, unlike any sane counsellor, or employable nanny, fond of his 'heavy Victorian mahogany ruler'. When 'miscreants' (fellow MPs) were summoned to see him in the Whips' Office some were 'frightened'. Renton describes how, upon receiving them, he would sometimes 'bang this heavy ruler into my hand. It gave me a sense of comfort and sometimes I saw a rebellious MP flinch.'⁶¹

58 *The Guardian* (15 December 2017), [<https://www.theguardian.com/politics/2017/dec/15/rumours-of-government-whipping-operation-abound-in-westminster>], accessed: 4 August 2022.

59 Mitchell, *Beyond a Fringe*, p. 277.

60 Renton, *Chief Whip*, p. 21

61 Renton, *Chief Whip*, p.21.

Before the invasion of Afghanistan in 2001, a Labour MP, Paul Marsden, ‘an innocuous, previously loyal MP’, published his notes of a meeting with the Labour Chief Whip, Hilary Armstrong, in the Daily Mail.⁶² Part of the reported dialogue runs as follows:

Hilary Armstrong: Paul, we are all comrades together in the Labour party and we are all supposed to be on the same side. I want to improve your communication skills.

Paul Marsden: What do you mean?

HA: I want you to join the mainstream of the party.

PM: What do you mean by the mainstream?

HA: Look, Paul, let me put it another way, those that aren’t with us are against us.

Followed by:

HA: We don’t have spin doctors in Number 10 - or anywhere else.

PM: (laughing) You aren’t seriously telling me that you don’t have spin doctors and they don’t exist. You are losing it Hilary.

HA: (shouting) You wait until I really do lose it. I am not going to have a dialogue with you about that. It was people like you who appeased Hitler in 1938.⁶³

Marsden was arguing for a free vote – a non-whipped vote, in which MPs are ‘allowed’ to vote with their conscience – on military action. Armstrong, dismissing his views, reportedly told him that ‘war is not a matter of conscience’, and said that while a vote might well be held, it would be whipped. The week after, Marsden accused government supporters of smearing him with rumours that he was unpopular and emotionally unstable. And in December of the same year, of verbally and physically attacking him, reporting that Labour whip Gerry Sutcliffe had warned him that he would be attacked again if he failed to stop criticising the government.⁶⁴ Marsden’s testimony was mocked, derided, and denied.

The whipping system has also, according to the Telegraph, contributed to the undermining of women MPs, and specifically, mothers. In 2022, a group of Conservative women MPs complained publicly about their sexist, humiliating, aggressive and discriminatory treatment by party whips. In this case, whips were

62 *The Guardian* (22 October 2001) [<https://www.theguardian.com/politics/2001/oct/22/uk.september11>], accessed: 1 August 2022.

63 *The Guardian* (22 October 2001) [<https://www.theguardian.com/politics/2001/oct/22/uk.september11>], accessed: 1 August 2022.

64 *Daily Mail* (28 October 2001) [<https://www.dailymail.co.uk/news/article-80917/How-number-10-ried-smear-Labour-MP.html>], *The Guardian* (25 October 2001), [<https://www.theguardian.com/politics/2001/oct/25/labour.uk>], accessed: 2 August 2022; *BBC News* (5 December 2001) [http://news.bbc.co.uk/1/hi/uk_politics/1694282.stm], accessed: 26 July 2022.

not giving slips (permission for absences) to female MPs for essential childcare, the Telegraph reported. 'There were pretty harrowing descriptions of MPs with very young children not being given slips. Toddlers that are sick need their parents and the whips just say "no", when male colleagues have been slipped for two weeks to go on holiday'.⁶⁵

With the whips being given this much power over the physical and psychological health of MPs in these backroom deals, comments James Milton of University College London, MPs end up being in the situation of deciding between voting on a significant motion or, say, possibly missing the birth of your child. 'My general conclusion was that the decision of pairing should be taken out of the hands of whips entirely and be made the responsibility of the Speaker's Office' he adds.⁶⁶

Reports of bullying do not only apply to the whips' own side. Whips' activities are 'geared to a continual process of bullying the other parties' reported Emma Crewe, in her 2015 ethnography of the House of Commons.⁶⁷ Together with the whips' bullying of their own MPs, this has obvious and substantial implications for parliamentary proceedings, and particularly, as far as the public is concerned, for parliamentary votes and outcomes. That occasionally an individual MP is found to have broken the ministerial code and found guilty of bullying behaviour (a finding which was overruled by Boris Johnson in the case of Priti Patel) obscures the fact that a culture of bullying seems accepted, sanctioned and entrenched within the official system of parliamentary control.⁶⁸

1.5: Spying

1986. Peter Thurnham, then MP for Bolton North East, is showing signs of disaffection and possible rebellion, and has been placed on the Whips' 'Unstable' list. 'Unbeknown to Peter,' Gyles Brandreth writes cheerily in his diary entry for January 8th, 'I have established an excellent telephone relationship with his association chairman...who is keeping me posted with news of Peter's behaviour in his patch'.⁶⁹

Whips are 'intelligence agents', according to Emma Crewe, or 'school sneaks' according to the late, long-serving MP Paul Flynn.⁷⁰ 'The whips, like the spies that kept Philip II's enormous empire together, listen everywhere in the House of Commons...They report back, via notes or word of mouth, on everything' Tim Renton, to whom they were reporting, enthused.⁷¹

65 *Daily Telegraph* (28 April 2022) [<https://www.telegraph.co.uk/politics/2022/04/28/tory-whips-treat-us-sexist-way-say-female-mps/>], accessed: 13 August 2022.

66 Email correspondence (19 October 2022).

67 Crewe, *The House of Commons*, p. 138.

68 Jamie Grierson, *The Guardian*, (20 November 2020), [<https://www.theguardian.com/politics/2020/nov/20/priti-patel-bullying-inquiry-why-was-it-held-and-what-did-it-find>], accessed: 5 March 2023.

69 Crewe, *The House of Commons*, p. 333.

70 Crewe, *The House of Commons*, p.138;
Paul Flynn, *How to be an MP* (Biteback, 2012), p. 35.

71 Renton, *Chief Whip*, p. 23.

If members of the more recent ‘Pork Pie Plot’ against Boris Johnson were wondering how their conspiracy was leaked, Helen Jones, a former whip for the Prime Minister Gordon Brown, may provide an answer. The whips always knew when a group of disaffected ministers under the Brown administration were meeting in secret, she writes, in her book *How to Be a Government Whip*, because they had a diary secretary as a contact in one of the minister’s offices. ‘Ministers who resent having a whip attached to their department usually regard you as a spy for the Chief Whip or the MP and they are right on both counts – that’s your job’, she adds.⁷² Sebastian Coe, a whip under John Major, discovered that his ‘every move was being noted’ when a lunchtime meeting of his in Soho was discussed in the Whips’ Office. ‘They knew everything. And that, I soon discovered, was my new job. To know everything.’⁷³

In 1995, the journalist Michael Cockerell discovered that whips have a network of informants, from MPs to Commons messengers, who are known as ‘Whips’ narks.’⁷⁴ There are MPs who are the ‘resident school snitches’ Helen Jones confirmed, some twenty years later, echoing the language of Paul Flynn. ‘Such people are used all the time by the whips, despite the fact that they really shouldn’t be allowed to legislate’ Jones explains.⁷⁵

1.6: Bribery and other weapons

Part of the power of the whips lies in the access they have, and provide, to ministers and, for the Chief Whip, to the Prime Minister. They are often the only way a backbencher, lost in a sea of 650 faces, can expect the notice which leads to promotion: not for nothing is the Chief Whip known, not only as the Secretary to the Treasury, but also as the ‘Patronage Secretary’.⁷⁶

‘Those ambitious for power will whip themselves’ observed journalist Jeremy Paxman, in *The Political Animal*.⁷⁷ Helen Jones, whose book deserves plaudits for style and substance, describes another type of unquestioning supporter, the ‘extremely boring’ loyalists, who always vote with the government. ‘They are people who would happily troop through the lobbies to introduce the slaughter of the first-born or the Gas Chambers (Miscellaneous Provisions) Bill if a minister told them it was necessary. What is more, they would deliver a speech praising the legislation if they were asked to.’⁷⁸

72 Helen Jones, *How to be a Government Whip* (Biteback, 2016) p. 88.

73 Coe, *Running My Life*, pp. 271, 272

74 *The Spectator* (20 May 1995) [<http://archive.spectator.co.uk/article/20th-may-1995/11/westminsters-secret-service>], accessed 1 September 2022.

75 Jones, *How to be a Government Whip* p.28.

76 Erskine May, *Constitution and financing of party machinery*, (Chapter 4, para. 4.8), available at: [<https://erskinemay.parliament.uk/section/5988/constitution-and-financing-of-party-machinery/>], accessed: 29 July 2022.

77 Jeremy Paxman, *The Political Animal*, (Penguin, 2007) Kindle edition, Kindle Locations 3017-3020.

78 Jones, *How to be a Government Whip*, p. 27.

Such MPs – ambitious, or unimaginative, or scared – are, as Gyles Brandreth found, given pre-written speeches by the whips, or used by the whips to deliver planted questions flattering the government of the time. ‘This destroys democracy’ writes an outraged school student in Northern Ireland. ‘Prime Minister’s Questions only last 30 minutes, with half of the questions coming from fellow-party MPs. If (those questions) are drafted then the Prime Minister is not being scrutinised and is instead just manifesting their party’s success, plans and political slogans.’⁷⁹

Party loyalists will be cared for by the whips in a general sense – given slips (permission to be absent), trips abroad and promotion if they vote with the party. ‘Loyal Members are more likely to get party funding at the next election or, far more unusually, government assistance or backing for projects in their constituency. Long-term loyalty may reward an MP with a peerage or at least a knighthood’, finds Emma Crewe.⁸⁰

In January 2022, Chris Bryant, the Labour MP and chair of the Commons Standards Committee reported that some MPs had told him that they been promised funding if they voted ‘the right way’. At the time, Christian Wakeford, the Conservative MP who defected to Labour, had said publicly that whips had threatened him with withdrawal of constituency funds if he did not vote in a certain way.⁸¹ Bryant said that he had spoken to ‘about a dozen’ Conservative MPs who claimed they had been threatened or bribed in the same way.⁸²

Just as whips can confer favours, they can take them away. Helen Jones describes it as a ‘war of attrition’ to bring uncooperative MPs into line. Stop MPs going on a trip abroad; refuse their requests for leave; put them on a committee they’ll hate; deny them offices – all can help bring an insubordinate Member into line, she advises.⁸³

79 Aleksander Bagrev *The Use of The Whipping System Destroys our Democracy* (2020) [<https://enniskillenroyalgs.com/wp-content/uploads/2020/12/Aleksander-Bagrev-Party-Whips.pdf>], accessed: 4 November 2022.

80 Crewe, *The House of Commons*, p. 137.

81 *The Guardian* (20 January 2022) [<https://www.theguardian.com/politics/2022/jan/20/ministers-attempting-blackmail-colleagues-who-might-oppose-pm-alleges-tory-mp-william-wragg-boris-johnson>], accessed: 1 July 2022.

82 *ITV News* (22 January 2022) [<https://www.itv.com/news/2022-01-21/met-police-to-meet-with-william-wragg-to-discuss-claims-no-10-blackmailed-mps>], accessed 24 September 2022.

83 Jones, *How to be a Government Whip* pp. 43, 44, 147.

Negative briefings to the press are also a weapon. Former Conservative MP Sarah Wollaston, for example, cited a ‘hostile Culture, Media and Sport briefing that was sent around’ about her.⁸⁴ Labour MP Clare Short, who said her spirit was ‘crushed’ by the whips, saw ‘constant stories in the press to say I was to be expelled or punished in some other way’, because of her stance on the Iraq war.⁸⁵ More recently, such briefings were reportedly used against the MPs, cleverly dubbed the ‘Pork Pie Plotters’, who were standing together against Boris Johnson, so that the latter could hold on to power.⁸⁶

‘Not a single hon. Member would deny that the Whips’ Office uses a whole arsenal of weapons including patronage, flattery, misinformation, which is highly effective, and the direct threatening of parliamentary careers should the unfortunate victim of their attention not comply with their wishes’ said Peter Bone in 2011. ‘We all know several Members whose careers have been significantly affected by the actions of the Whips Office.’⁸⁷

‘It’s perfectly proper for a whip to use flattery or menace, to say to a colleague that there’ll be no ministerial posts for them and their career is over if they take a particular action’ confirmed Andrew Mitchell, in 2022.⁸⁸

1.7: Who does this serve?

‘The creation of the whips’ office represents one of the great parliamentary innovations, predating the rise of modern or mass parties...an organization specifically devoted to the maintenance of unified action by a political bloc’, wrote Bowler, Farrell and Katz, in 1999.⁸⁹ The Chief Whip ‘had to use his judgement for the preservation of party unity’, Gladstone had explained in 1927.⁹⁰

If party unity means using all available methods to ensure that all party MPs vote the same way, then nothing much has changed, but the constitutional question as to whose purpose this serves is a pressing one and, tellingly, the official government website on the subject appears confused.

84 HC Deb 9 September 2011, vol 532, col 717, col 718.

85 Clare Short, *The Independent* (22 October 2006) [<https://www.independent.co.uk/voices/commentators/clare-short-i-quit-because-this-is-not-a-labour-government-421080.html>] accessed, 20 December 2022.

86 See for example: *Daily Mail* (22 January 2022), [<https://www.dailymail.co.uk/news/article-10431117/MP-said-heart-Pork-Pie-conspiracy-takes-baby-nanny-Ukraine.html>], accessed: 2 December 2022, *Daily Mail* (19 January 2022) [<https://www.dailymail.co.uk/news/article-10417759/The-Pork-Pie-hit-squad-trying-topple-Boris-Johnson.html>], accessed: 2 December 2022., etc.

87 HC Deb 9 September 2011, vol 532, col 717, col 718.

88 *I News* (23 January 2022), [<https://inews.co.uk/news/whips-who-make-public-funding-threats-mps-committing-criminal-offence-andrew-mitchell-1418380>], accessed 2 October 2022.

89 Bowler, S., Farrell, D.M. and Katz, R.S., Party cohesion, party discipline, and parliaments. *Party discipline and parliamentary government* (Ohio State University, 1999) p.10., available at: [<https://www.jstor.org/stable/j.ctv177tghd>], accessed: 29 July 2022.

90 H.J. Gladstone, 1st Viscount Gladstone. *The Chief Whip in the British Parliament* (The American Political Science Review 21, no. 3, 1927). p. 520.

'The Chief Whip is responsible for administering the whipping system that ensures that members of the party attend and vote in Parliament as the party leadership desires' it begins. 'One of their responsibilities is making sure the maximum number of their party members vote, and vote the way their party wants' it adds, crystallising one of the issues at the centre of this report.⁹¹ What if what the party wants is not what the party leadership wants? To whom are the whips responsible?

The answer, from whips themselves, is that they are responsible to, and the first line of defence for, the leadership. In 1927, Herbert Gladstone, himself a Chief Whip, described the role as 'the leader's chief of the staff and his confidential right hand man in all matters concerning the management of the party'.⁹² His duty was:

*to scent dissatisfaction, the formation of disloyal cliques, and, in short, any danger... arising from dislike of particular measures, personal jealousies and ambitions, irritations caused by personal inefficiencies of ministers, and all possible causes of mischief arising from complexities of human nature.*⁹³

Occasionally, this can backfire, or simply not work, as the brief tenure of Liz Truss' Chief Whip, Wendy Morton, demonstrated. Whips have been known to plot against their leaders: one of Tony Blair's deputy chief whips was accused of running a 'shadow whipping' operation for Gordon Brown while the latter was still Blair's chancellor.⁹⁴ Factions, including whips, and 'shadow whipping operations', have periodically struggled, and still struggle, in party wings.⁹⁵ The whips, as Tim Renton pointed out, retain the power of 'regicide': informing their leader if they have lost the balance of party support. Nevertheless, appointment from above 'is a cardinal principle of bureaucratic authority' remark Searing and Game, and one which traditionally ensures loyalty.⁹⁶

'You are one of the Prime Minister's whips and your duty is to him. If you can't carry out that duty effectively then you shouldn't be in the job', writes Helen Jones, almost a hundred years after Gladstone.⁹⁷ 'Your responsibility is really only to the prime minister. You are beholden to no-one else', Sebastian Coe agreed. Coe goes on to describe whips as their leader's 'Praetorian Guard'.⁹⁸

91 *Parliamentary Secretary to the Treasury (Chief Whip)* [<https://www.gov.uk/government/ministers/parliamentary-secretary-to-the-treasury-and-chief-whip>], accessed: 12 August 2022

92 Gladstone, *The Chief Whip in the British Parliament*, p. 520.

93 *Ibid.*

94 Geoff Hoon *See How They Run* (Unicorn, 2021), p. 186.

95 Oliver Eagleton, *The Starmer Project* (Verso, 2022) Kindle location p. 101.

96 Donald Searing & Chris Game *Horses for Courses: The Recruitment of Whips in the British House of Commons* (British Journal of Political Science, Vol 7, Issue 3, 1977) p. 377. Available at: [<https://www.cambridge.org/core/journals/british-journal-of-political-science/article/abs/horses-for-courses-the-recruitment-of-whips-in-the-british-house-of-commons/D8C0EB102EACC7852042BD52F1CB25E5>], accessed: 1 July 2022.

97 Helen Jones, *How to be a Government Whip* (Biteback, 2016), p. 35.

98 Seb Coe *Running My Life: the Autobiography* (Hodder & Stoughton, 2012), p. 269.

1.8: Concluding notes

The whipping system's code of 'omerta', its 'black books', its spying, its threats of blackmail, bullying and bribery are warning enough that something is deeply wrong with our parliamentary democracy. That such tactics are not only possible, but tolerated or encouraged, and used on freely elected public representatives, represents a dangerous and vicious cynicism pervading our parliament. It exposes our MPs to potentially criminal abuse, which would nowhere else be tolerated, and makes a mockery of the public who elect them.

In his memoirs, Andrew Mitchell, curiously, uses one of the same analogies as Helen Jones, this time to describe the role of the whips:

If the government decides to proceed with the Slaughter of the First-Borns Bill it is the whips' job to secure the necessary votes by explaining that there are too many first borns around, fettering the chances of the second- and third-born children. So the public good is clearly served by their removal,⁹⁹

In the light of the decision to invade Iraq, the darkest of potential outcomes still lurk behind the whipping system's cheery façade of brotherhood and public school-style joshing. In the UK's current parliamentary system, the whips' loyalties ensure that constitutional concerns about an 'elective dictatorship' cannot be dismissed as unfounded; indeed, the whipping system seems designed to ensure it remains a permanent, and perfectly realistic, option.

⁹⁹ Mitchell, *Beyond A Fringe*, p. 267.

Chapter 2: Defending the whips

2.1: Party managers

'Without whipping, and the organisation of party business that goes with it, the Commons would be a shambles', writes Tim Renton.¹⁰⁰ A common defence of the whips is that they are simply 'party managers', performing the gruelling, un-thanked task of keeping the show of British democracy on the road. Without the Chief Whips operating the 'usual channels', for example, the daily business of parliament – the organisation of debates and votes – would not function. Without the whips telling MPs how and when to vote, legislation would be in disarray, and the government and, by extension, the country, at an impasse.

This may be true, as matters stand, but why operational details should devolve to the parliamentary enforcers is another question. It might seem to an observer that bigger systems, such as national charities, or reasonably large secondary schools, are often organised perfectly well by management teams and HR departments. It is true that, much of the time, the legislation that MPs have to vote on is so abstruse or technical, and the volume so overwhelming, that MPs simply have neither the time or the ability to understand or even acknowledge it. One MP estimated that he knew the subject of one vote out of twelve that had taken place the preceding week. 'I (sometimes) wonder what despicable piece of legislation I'm voting for tonight' said another.¹⁰¹

'Members of Parliament today go through the Lobby not even knowing what part of the Bill they are voting on' said MP Peter Bone in 2011. 'Such behaviour is an insult to our constituents and to British democracy'.¹⁰² 'You'd have people like me', says a former government whip, 'standing at the doorway saying 'there's no need to go into the debate, we're voting 'no' tonight at ten o'clock. If you want to go off and see the football, fine, just be back at 10'.¹⁰³

Peter Bone went on to argue that business could be organised perfectly well without the whips. The Whips' Office, he said was 'already run by civil servants' and could 'easily continue to deal with day-to-day House administration'. Meanwhile, the position of 'whip' could be made redundant. 'The only role left for Whips to perform is that of strong-arming Members and ensuring a less democratic and efficient Parliament as a result' he said.¹⁰⁴

100 Renton, *Chief Whip*, p xii.

101 Philip Cowley, *The Rebels: How Blair Mislaid His Majority* (Methuen, 2005), p. 29.

102 HC Deb 9 Sep 2011 col 711.

103 Phone interview (18 October 2022).

104 HC Deb 19 October 2010 vol 516 col 829.

Outside parliament, one of the stoutest defenders of the whips is political scientist and academic, Philip Cowley, whose invaluable reporting is often curiously at odds with his opinions. Only 'naive, namby-pamby purists' would object to the whips' tactics, Cowley assures his reader, writing four years after Tess Kingham went public about her experience of blackmail. According to Cowley's assessment, the whips are quite wrongly seen as 'the pantomime villains of Westminster politics – a combination of arm-twister, bully and Machiavelli, whose sole role is to intimidate poor unsuspecting MPs into carrying out evil deeds on behalf of the government. The sort of people who tie damsels to train tracks whilst twiddling their moustache'.¹⁰⁵

Labour whip Tommy McAvoy, who served under Blair and Brown, had a stuffed piranha on his desk.¹⁰⁶ Gavin Williamson had a live tarantula called 'Cronos' on his.¹⁰⁷ But to see the whips as Westminster's answer to the Krays, 'ruling their manor through intimidation and bribery is a quite monumental failure to understand the realities of parliamentary life' says Cowley.¹⁰⁸ In the same way that most confessions to the Spanish Inquisition came when the torture implements were shown to victims, he adds, 'most MPs are well aware of the realities of political life; they don't need them spelling out'.¹⁰⁹

In the binary, oppositional system on which the UK parliament is constructed, amid the welter of legislation with which successive governments attempt to stamp their authority, appease parts of the electorate, and make their mark, alongside the rituals and remnants of former perceived glories, the whips can be seen as an inevitable consequence of the whole. In another reading of the issue, the whipping system is not simply a symptom of our democratic malaise, nor merely a contributory cause, but a driving force behind it, and a curable one.

2.2: Pastoral care

Whips in all parties, reports Emma Crewe, describe a large part of their function as equivalent to pastoral care, or a human resources department.¹¹⁰ This, again, is a common defence, pulled out on the rare occasions when the whipping system comes under scrutiny, but the evidence does not support the diagnosis. There will always be MPs grateful for individual acts of kindness, and occasionally individual whips are singled out for high praise; Rosie Winterton, the former Labour Opposition Chief Whip, and Anne Milton are cases in point.

105 Cowley, *The Rebels*, p. 36.

106 Jones, *How to Be a Government Whip*, p. 15.

107 *The Guardian*, (21 November 2016), [<https://www.theguardian.com/environment/shortcuts/2016/nov/21/cronus-tarantula-tories-gavin-williamson>], accessed: 3 December 2022.

108 Cowley *The Rebels*, pp. 11, 12, 36, 48.

109 *Ibid.*, p. 39

110 Emma Crewe, *The House of Commons* (Bloomsbury, 2015), p. 137.

Otherwise, as the Spectator's Isabel Hardman remarks: 'if an MP is struggling in his or her personal life, the whips are often the last people they'd want to know about their problems, just in case they weaponise it against them when trying to get their support in a crunch vote.'¹¹¹ Dame Laura Cox, in her report on the House of Commons culture, concurs: 'The fact is that the political context in which they work and the inevitable tensions and conflicts that can result, render them wholly unsuitable for a role of this kind.'¹¹²

Helen Jones, Gordon Brown's former whip, adds experience to the warnings. 'Many people have the mistaken impression that the Whips' Office is some kind of personnel department, there to assist people with their problems and to help them develop their careers. If you have entered the office with this idea in your head you should get rid of it immediately.' As for pastoral care: 'if someone is in trouble with his personal life...the last person they would tell is a government whip. This is because they believe that you would use it against them – and they are probably right.'¹¹³

2.3: A tough job

The UK's treatment of its MPs, from their working environment to their terms and conditions, is clearly worthy of an industrial tribunal. Not only do MPs attract daily hate mail and death threats, with women and women of colour facing the most abuse, but the average MP is 'understaffed, under supported, lacks meaningful opportunities for workplace training, and has little power' reported the New Statesman, in 2021.¹¹⁴

By contrast, if whips talk in public, they generally describe their time in the sanctum of the Whips' Office as being 'fun', or 'exciting', which, compared to the rest of the House of Commons it quite possibly is.¹¹⁵ Moreover, on top of the lure of the club's protection and the extra salary, the Whips' Office operates as a training ground for other ministerial positions. This was always the case in the Conservative party, and Tony Blair changed Labour party practice to follow suit, replacing the traditional ex-steelworkers with the likes of Peter Mandelson instead. The road to power is, it seems, often helped along by knowledge of the whips' 'black books'.

111 *The Spectator* (5 August 2020) [<https://www.spectator.co.uk/article/the-whips-are-ill-suited-to-deal-with-serious-allegations-like-rape/>] accessed: 9 August 2022

112 Dame Laura Cox, (15 October 2018) *The Bullying and Harassment of House of Commons Staff. Independent Enquiry Report*, [<https://www.parliament.uk/globalassets/documents/conduct-in-parliament/dame-laura-cox-independent-inquiry-report.pdf>], accessed: 28 June 2022.

113 Jones, *How to be a Government Whip*, p. 20.

114 *Granada* (10 November 2022), [<https://www.itv.com/news/granada/2022-11-09/mp-considering-not-standing-for-re-election-due-to-levels-of-online-abuse>], accessed: 10 December 2022; *New Statesman* (June 2021), [<https://www.newstatesman.com/politics/2021/06/what-stops-mps-doing-their-jobs-well-it-s-not-their-pay-their-conditions>], accessed: 3 December 2022.

115 Renton, *Chief Whip*, p. 18.

Despite this, there are clear psychological consequences of the whips' job, which make a case for reform in their own right. 'A Whip, I suppose, is a pretty lonely sort of guy in many respects, you know' Searing and Game report one anonymous whip saying.¹¹⁶ 'Becoming a whip means an end to popularity altogether' adds Helen Jones.¹¹⁷ Tim Renton decided that the job demanded 'a determination not to show any emotion at all – except to laugh occasionally'.¹¹⁸ Across Europe, 'whips are generally not popular within political parties', a South African study confirms.¹¹⁹

Ministers have always been bound by 'collective responsibility': the duty to support the leadership's decisions without public caveat, or resign. Renton personally opposed Margaret Thatcher's Poll Tax but 'as Chief Whip, I allowed ministerial obligations to take precedence over my own doubts'. As Chief Whip, however, he was also tasked with making other people vote for it. For some whips, like Helen Jones, the result can apparently be traumatic. 'You will lose the right to express an opinion on anything, unless, of course, it is the opinion you are being told to hold, in which case, you will learn to tell your colleagues about the huge value of a piece of legislation while personally believing it to be dangerous or useless'.¹²⁰

2.4: Concluding notes

Neither social workers nor straightforward party managers, and often looking or acting like villains, defending the role of the whips is a difficult task.¹²¹ Other excuses for the system include the fact that whips provide a link between ministers and backbenchers. In a large parliament, with little time, this is a necessary role, but again, one which hardly needs to be accompanied by the whips' tactics. Before writing her illuminating book in 2016, Helen Jones, defending the role of the whip in parliament in 2011, averred that it was vital for maintaining the party line in party democracies, and that doing without it, 'would lead to the politics of personality rather than politics based on issues'.¹²²

Jones' contention that, because voters vote for parties, rather than for individuals, the whips are needed to ensure that MPs honourably follow their party's line, is a strong one. However, when party policies are themselves suborned or dictated by their leader, Jones is on weaker ground. She was, of course, speaking before the time of Boris

116 Searing and Game, *Horses for Courses*, p. 373.

117 Jones, *How to be a Government Whip*, p. 1.

118 Renton, *Chief Whip*, p. 28.

119 David M. Willumsen and Patrik Öhberg, *Toe the line, break the whip: explaining floor dissent in parliamentary democracies*, (West European Politics, 2017), p. 50. Available at: [<https://www.tandfonline.com/doi/full/10.1080/01402382.2016.1243841?src=recsys>], accessed: 3 August 2022.

120 Jones, *How to be a Government Whip*, p. 2.

121 Mitchell, *Beyond a Fringe*, p. 289.

122 HC Deb 9 September 2011 col 723.

Johnson, but after the prime ministership of Tony Blair and Margaret Thatcher. In all cases, it would seem obvious that the whipping system is no constitutional defence against the 'politics of personality'; indeed, the role of the whips as the prime minister's 'Praetorian Guard' is geared towards supporting it.

Even if one has some sympathy for the invidious positions in which individual whips are placed, it is clear that some whips simply enjoy the role of paid enforcer. Even those with doubts can fall victim to the office's allure. After being offered a second run at the Whips' Office, this time as Chief Whip to David Cameron, Andrew Mitchell is 'not sure I can return to the serpentine world of whipping, which brings out the darker side of my character'. He ends up accepting.

Chapter 3: Case studies

Q1) Do you think that if the vote on Iraq had been a genuinely free one, the government would have been defeated?

Q2) Do you think that if the vote to trigger Article 50 had not been whipped, the result would have been different?

A) Yes to both (former government whip).¹²³

3.1: Iraq

In 2016, the Iraq Inquiry, under Sir John Chilcot, published its findings on the UK's role in the Iraq war. In 2003, for the first time since the Second World War, the UK had taken part in an opposed invasion and fullscale occupation of a sovereign State. The Cabinet, led by then Prime Minister, Tony Blair, had decided on 17 March to join the US led invasion of Iraq, assuming there was no last minute capitulation by Saddam Hussein. That decision was ratified by Parliament on 18 March, and implemented the night after that.¹²⁴

That Parliament had been allowed to vote on the motion was also a first. The vote had been promised by then Foreign Secretary, Jack Straw, in an attempt to placate growing numbers of rebellious Labour MPs and the public.¹²⁵

Polls in 2002 had shown a majority of Labour, Conservative and Liberal Democrat voters against an attack on Iraq.¹²⁶ The last pre-war polls in 2003 had shown between 63 and 67 percent of the public were opposed to war without proof that the Iraq regime was hiding weapons, or a Security Council resolution.¹²⁷ Again, there was a majority across voters of all the major parties. This sentiment was reflected in public anti-war marches worldwide, including the millions joining the global protests of February 15th 2003, described as 'the largest protest event in human history'.¹²⁸

123 Email correspondence (9 January 2023).

124 The Report of the Iraq Inquiry, Executive Summary (House of Commons, 6 July 2016). Available at: [https://webarchive.nationalarchives.gov.uk/ukgwa/20171123123237/http://www.iraqinquiry.org.uk/media/247921/the-report-of-the-iraq-inquiry_executive-summary.pdf], accessed: 28 July 2022.

125 *BBC News* (25 September 2002), [http://news.bbc.co.uk/1/hi/uk_politics/2280008.stm], accessed: 29 July 2022.

126 *The Guardian* (19 March 2002), [<https://www.theguardian.com/uk/2002/mar/19/iraq.politics>], accessed: 23 July 2022.

127 Ipsos Iraq: *The Last Pre-war Polls* (21 March 2003), [<https://www.ipsos.com/en-uk/iraq-last-pre-war-polls>], accessed: 3 August 2022.

128 Stefaan Walgrave and Dieter Rucht (Eds) *Demonstrations Against the War on Iraq*, Social Movements, Protests and Contention, (University of Minnesota Press, 2010), Vol 33, p. xiii. Available at [<http://uahost.uantwerpen.be/m2p/publications/1267098151.pdf>], accessed: 23 July 2022.

Speaking from Glasgow, it was clear that Blair was determined to proceed with the attack, no matter what the public's opinion. Claiming that he 'respected and understood' people's desire to march, he said; 'I ask the marchers to understand this: I do not seek unpopularity as a badge of honour. But sometimes it is the price of leadership and the cost of conviction.'¹²⁹

For the government Whips' Office, Philip Cowley reports, the vote to authorise military action against Iraq 'represented a ratcheting up of their operation. For the first time, every vote really mattered'.¹³⁰

The problem was, says a former Labour minister, 'that there was no way most of us were going to support the war in Iraq. And then the problem was that the whips' argument was "well if you knew what we knew, you'd be bound to support the government". Ok, what do you know? Well, we're not allowed to tell you. And that is just crackers. If you can't share things with people then you've lost the plot and the ability to get people's support'.¹³¹

When the findings of the Iraq Inquiry were eventually published, they explained why the Labour whips were unable to 'share things' with their MPs.¹³² 'We have concluded that the UK chose to join the invasion of Iraq before the peaceful options for disarmament had been exhausted. Military action at that time was not a last resort', said the report.¹³³ Judgements about the severity of the threat posed by Iraq's weapons of mass destruction – or WMD – were presented 'with a certainty that was not justified'. Intelligence had 'not established beyond doubt' that Saddam Hussein had continued to produce chemical and biological weapons. The circumstances in which it was decided that there was a legal basis for UK military action were 'far from satisfactory'.¹³⁴

The inquiry also found that Tony Blair had written to George W. Bush eight months before the Iraq invasion to offer his unqualified backing for war well before UN weapons inspectors had completed their work, saying: "I will be with you, whatever".¹³⁵

129 *The Guardian* (15 February 2003), [<https://www.theguardian.com/uk/2003/feb/15/politics.politicalnews>], accessed: 23 July 2022.

130 Cowley, *The Rebels*, p. 117.

131 Interview with former Labour minister (20 October 2022).

132 Executive Summary, The Report of the Iraq Inquiry (House of Commons 2016), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/535407/The_Report_of_the_Iraq_Inquiry_-_Executive_Summary.pdf], accessed: 1 August 2022.

133 *Guardian* (6 July 2016) [<https://www.theguardian.com/uk-news/2016/jul/06/iraq-inquiry-key-points-from-the-chilcot-report>], accessed: 1 August 2022.

134 *BBC News* (6 July 2016) [<https://www.bbc.co.uk/news/uk-politics-36721645>], accessed: 28 July 2022.

135 *Ibid.*

The necessity, for the Labour leadership at the time, was to defeat the cross-party amendment containing the assertion that ‘the case for war was not yet established’.¹³⁶ On the other side of the House, the Conservative whips were also busy. ‘Most Conservative MPs freely admit that the mood in their constituencies, even among party members, was largely one of opposition’ reported Simon Nixon, in an investigation for the *Spectator*, two months after the vote. Yet Iain Duncan Smith, then Conservative leader, was adopting a position:

markedly at odds with the views of most of the diplomatic and military establishments, large swathes of the Conservative press, and a formidable array of party grandees...Moreover, here was a leader of the opposition who continued to support the government even as more than a million people marched through the streets of London in the biggest demonstration of popular opposition to any government in British history.

According to Nixon, Duncan Smith’s own position had been decided years before. In the late 1990’s, as shadow defence secretary, he had ‘developed close contacts with neoconservative think-tanks in the US’; whose security policies had been adopted by the Bush administration. As a result, he had, says Nixon, ‘been talking about the need to tackle Iraq long before 11 September’, and had no real choice but to continue.

The Conservative whips, says Nixon, proceeded to mount a successful operation to ‘bring doubters into line’. ‘It’s funny, Tory discipline is actually always better than Labour discipline, at the end of the day’, says one of the Labour rebels. ‘Most Tories don’t like rebelling. The idea is that they hold together, or they fall apart individually, so there is a degree more loyalty there. And maybe their whips are even more aggressive in what they do’.¹³⁷

Nixon reports the claims that if there had been a free vote earlier in the crisis, at least a third of Conservative MPs might have voted against war. As it was, most suddenly found they had ‘no choice but to believe the Prime Minister when he said he had intelligence reports proving Saddam had WMDs’.¹³⁸ ‘Our Whips’ Office had strongly encouraged the party to support the war...Having heard the case (Blair) put I was in no doubt how I would vote. If a British Prime Minister said that war was necessary, that was good enough for me’ confirmed Andrew Mitchell, later.¹³⁹

136 *The Guardian* (18 March 2003), [<https://www.theguardian.com/politics/2003/mar/18/iraq.iraq6>], accessed; 1 September 2022

137 Interview with former Labour Minister (18 October 2022).

138 *Spectator* (17 May 2003), [<https://www.spectator.co.uk/article/why-the-tories-backed-the-war/>], accessed 14 October 2022.

139 Mitchell, *Beyond A Fringe*, p. 133.

Meanwhile, the Labour whips were doubling down. Blair may have waived the Royal Prerogative to decide unilaterally on military action, but he drew on another: the ability to advise the monarch to dissolve Parliament. At the time of the Iraq vote, and since the Fixed-term Parliament Act's repeal in 2022, the power to advise a dissolution under Prerogative belonged, as it now again belongs, to the Prime Minister alone. The whips deployed the fact that Blair was threatening to resign if the vote did not go his way. Rebecca Moosavian, in the *King's Law Journal*, commented:

*Labour MPs voting on whether to approve military action in Iraq did so in the knowledge that failure to provide such approval would result in the resignation of Mr Blair and his government or, failing this, the passing of a motion of no confidence against them. Either outcome would very probably result in the dissolution of Parliament and a general election whilst the Labour Party was in disarray... with the resulting potential to lose their parliamentary seats.*¹⁴⁰

Or rather, this is what the Labour MPs were being told. 'Do you support regime change in Baghdad or Downing Street?' the Labour whips were asking potential rebels.¹⁴¹ Blair's threat to resign – 'of course he was never going to' snorts a former Labour rebel – may not have convinced everyone. Chris Mullin, who refers to Blair as 'The Man', was 'not at all persuaded by the arguments' but 'might, out of loyalty, be persuaded to support The Man if I thought his survival was at stake' he confides to his diary. In the end, he stuck to his guns and voted for the amendment. But direct pleas from Blair for loyalty, and the threat, no matter how hollow, of Blair's resignation, certainly convinced many, including Mullin's friend, and the chair of the parliamentary party, Jean Coulston.¹⁴²

In the meantime: 'it was the good guys, the nice guys, who we submitted to the most pressure. I'm not saying it was a pleasant experience for them' confessed one whip.¹⁴³ 'The pressure from outside? Intense. Really, very, very harsh' says another rebel:

*People were being bullied, they were being pushed around, being called in front of the PM or Gordon Brown or John Reid or whoever, whoever that person was who could influence another person, frighten another person. Into at best – at worst for them abstaining, but at best actually voting to keep the PM in place. There was "the PM might have to resign", and all that sort of stuff, which was always a lie, he wasn't going to resign over that.*¹⁴⁴

140 Rebecca Moosavian, *Fountain of Honour? The Role of the Crown in the Iraq War* (*King's Law Journal*, 2013) pp. 307. 308. 309. Available at [<https://www.tandfonline.com/doi/abs/10.5235/09615768.24.3.289>]. accessed: 10 October 2022.

141 Cowley, *The Rebels*, p. 106.

142 Chris Mullin, *A View from the Foothills: The Diaries of Chris Mullin* (Profile Books, 2010) p. 388.

143 Cowley, *The Rebels*, p. 119.

144 Interview with former Labour MP (18 October 2022).

The day before the vote for war, there was a meeting of the Parliamentary Labour Party, organised, as usual, by the whips. At PLP meetings, ‘people gang up on anyone who’s trying to question what the government is doing’, according to one MP quoted by Cowley, while others compare it to a ‘lynch mob’.¹⁴⁵ Blair addressed it and, according to a now cynical Chris Mullin, was greeted with ‘thunderous applause’.¹⁴⁶ ‘If you can’t organise an intimidatory meeting at the PLP, you’re not worthy of being in the Whips’ Office’, Cowley quotes an ex-whip saying.

In the end, the amendment was defeated. One hundred and thirty-nine Labour MPs had defied the whips and backed the anti-war amendment. Sixteen Conservatives had also voted for the amendment. The Labour side had previously identified potentially 200 Labour rebels in total; a claim later backed by Philip Cowley’s detailed analysis of individual Labour MPs who had previously voted against the Government or backed an Early Day Motion on the Iraq issue.¹⁴⁷ While one must be careful of counterfactual history, if the third of Conservative MPs reported by Simon Nixon as willing to vote against the war if the vote had been a free one is factored in, the anti-war amendment could have been won by approximately 24 votes.

There were, of course, other pressures on MPs. Yet a former government whip asserts categorically that, in a genuinely free vote, without the whips and the whipping system, the UK would not have attacked Iraq. It is clear that the whipping system on both sides had a profound impact on the nation’s decision to enter into conflict. In this it represents one of the system’s darkest legacies.

As it was, some Labour MPs were voting in tears, others ‘drinking themselves stupid’ before going through the lobbies.¹⁴⁸ The day after the vote, Tony Blair thanked his Chief Whip, Hilary Armstrong, ‘for the brilliance of the whipping operation’.¹⁴⁹

3.2: Brexit

On 1 February 2017, Parliament voted to approve the Bill allowing the Prime Minister, then Theresa May, to trigger Article 50 and the process of leaving the European Union. This, like the debate and votes on Iraq, was never intended to happen. The government had argued that it could invoke Article 50 as an act of Royal Prerogative, and that ‘there was no legal obligation to consult Parliament on triggering Article 50’. One analogy often cited in the surrounding debate was the use of the Royal Prerogative to go to war.¹⁵⁰

145 Cowley, *The Rebels*, p. 120.

146 Mullin, *A View From the Foothills*, p. 383.

147 Cowley, *The Rebels*, p. 125.

148 Cowley, *The Rebels*, pp. 121, 118.

149 Mullin, *A View from the Foothills*, pp. 383, 389.

150 Lords’ Select Committee *Triggering Article 50* (2016) [<https://publications.parliament.uk/pa/ld201617/ldselect/ldconst/44/4404.htm>], accessed 11 November 2022

But if the vote on Iraq had done one thing, it was to establish a precedent that 'save in exceptional circumstances, the House of Commons is given the opportunity to debate and vote on the deployment of armed force overseas'.¹⁵¹ The High Court's subsequent ruling that there must be a vote in Parliament to trigger the Brexit process was greeted with fury by the UK tabloids, which were apparently under the impression that a vote would result in MPs blocking the process.¹⁵² In fact, as Professor Meg Russell of the Constitution Unit noted, 'the clear expectation of some on both sides of the Brexit divide was that MPs might now overturn the result'.¹⁵³

In the referendum itself, around three quarters of MPs had voted 'remain'. Out of 330 Conservative MPs, under half, 138, had declared for 'Leave', along with only 10 Labour MPs.¹⁵⁴ After the referendum vote, over a third of all MPs represented constituencies where a majority of the voters had voted to remain in the Union.

On the surface, the Bill itself once again crystallised the issue of to whom parliamentarians owe their vote. Had Parliament ceded its sovereignty to the public? Do MPs owe their individual allegiance to 'public opinion' (this after an advisory, manipulated, ill-designed and marginally victorious referendum), to the majority of their constituents, to the good of the whole country, or to their own judgement and consciences?¹⁵⁵ The Article 50 vote was to put another nail into the coffin of the Burkean notion that 'parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole' – and to Burke's declaration, to the electors of Bristol in 1774, that a 'representative' should not sacrifice 'his unbiassed opinion, his mature judgment, his enlightened conscience...to any man, or to any set of men living'.¹⁵⁶

151 Constitution Committee *Constitutional Arrangements for the Use of Armed force* (17 July 2013) [https://publications.parliament.uk/pa/ld201314/ldselect/ldconst/46/4602.htm?_gl=1*_1kmonb9*_ga*MTg2ODgyNzgyMy4xNjc1NDI2MDcy*_ga_OQVTWCSLDS*MTY3NTQyOTIyNi4yLjEuMTY3NTQyOTIwNi42MC4wLjA] accessed: 11 November 2022.

152 *Daily Mail* (17 January 2017), [<https://www.dailymail.co.uk/news/article-4127988/Claimants-fresh-Brexit-COURT-challenge-demand-ANONYMITY.html>], accessed 3 November 2022.

153 Meg Russell, *Brexit and Parliament: The Anatomy of a Perfect Storm* (*Parliamentary Affairs*, Volume 74, Issue 2, 2021), [<https://academic.oup.com/pa/article/74/2/443/5855887>], accessed: 6 November 2022.

154 *BBC News* (22 June 2016), [<https://www.bbc.co.uk/news/uk-politics-eu-referendum-35616946>], accessed 18 August 2022.

155 *BBC News* (26 July 2018), [<https://www.bbc.com/news/uk-politics-44966969>], accessed 11 November 2022.

156 Edmund Burke *Speech to the Electors of Bristol*. Available at [<https://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html>], accessed: 29 July 2022.

In November 2016, after the High Court ruling, Jeremy Corbyn, the Labour leader, had told the *Sunday Mirror* that his party would vote against Theresa May, and block the triggering of Article 50, unless the Prime Minister first agreed to conditions including access to the Single Market, no watering down of EU workplace rights, and guarantees on safeguarding consumers and the environment. ‘We live in a democracy’ he added, ‘and the Government has to be responsive to Parliament’.¹⁵⁷

This policy was, however, rapidly and publicly contradicted, first by Labour deputy leader Tom Watson, and then by Keir Starmer (then Labour’s shadow secretary of state for exiting the EU). Starmer would go on to oversee Labour’s Brexit negotiations with the government. According to Oliver Eagleton, with then Labour Chief Whip Nick Brown, he would run what multiple aides and shadow cabinet ministers described as ‘a parallel operation’ at the top of the party.¹⁵⁸

In an interview with the *Guardian*, Starmer said that, on Article 50, Labour would vote with the government. ‘We will not frustrate the process by simply voting down article 50 but we’re absolutely clear that before we get to that stage the government must put its plan before parliament’ he added. Pressed to clarify whether this meant Labour could still, in some circumstances, block a vote to trigger Article 50, he replied: ‘No.’¹⁵⁹

After Labour imposed a three-line whip to back the Bill, a rash of frontbench resignations followed, including from two of Labour’s whips. Corbyn himself, a notoriously rebellious MP when a backbencher, appears not to have applied the usual pressure. Daniel Zeichner, the resigning shadow transport minister, said that he had had ‘perfectly civilised’ conversations with the leadership. ‘They know my position and they understand exactly why I’m doing what I’m doing’ he said.¹⁶⁰

In the debate preceding the vote, Starmer, representing the ‘Remain’ constituency of Holborn and St Pancras, urged Parliament to back Article 50.¹⁶¹ ‘Yes, technically the referendum is not legally binding. But the result was not technical; it was deeply political, and politically the notion that the referendum was merely a consultation exercise to inform Parliament holds no water’ he argued.¹⁶² According to one Labour

157 *Sunday Mirror* (5 November 2016), [<https://www.mirror.co.uk/news/uk-news/jeremy-corbyn-gives-theresa-ultimatum-9204393>], accessed: 8 October 2022.

158 Oliver Eagleton *The Starmer Project* (Verso, 2022) pp. 100, 101.

159 *Guardian* (7 November 2016) [<https://www.theguardian.com/politics/2016/nov/07/keir-starmer-labour-will-not-block-article-50-but-must-know-plan>] accessed: 1 July 2022.

160 *Guardian* (27 January 2017), [<https://www.theguardian.com/politics/2017/jan/27/jeremy-corbyn-article-50-vote-two-labour-whips-refuse>], accessed: 8 October 2022.

161 *Buzzfeed* (31 January 2017), [<https://www.buzzfeed.com/marieleconte/keir-starmer-urges-labour-to-back-article-50-as-brexit-debat>], accessed: 9 October 2022.

162 HC Deb 31 January 2017 vol 620 col 894.

staffer, he had spent the first month of 2017 'dragooning Labour MPs to vote for Article 50'. The staffer noted that a significant number would be likely to have defied the whip if not for Starmer's intervention reports Eagleton.¹⁶³ As it stood, Labour MPs voted more than 3 to 1 in favour; with 167 votes for, to 47 against.¹⁶⁴

The Conservatives had also imposed a three-line whip on the vote. There was, as Conservative MP Kenneth Clarke pointed out, no constitutional justification for this:

*When the Government tried to stop the House having a vote, they did not go to the Supreme Court arguing that a referendum bound the House and that that was why we should not have a vote. The referendum had always been described as advisory in everything that the Government put out. There is no constitutional standing for referendums in this country.*¹⁶⁵

The Conservatives had been elected in 2015 on a promise to keep the UK in the European Single Market, and to campaign for continued membership of the EU. Labour, during the referendum, had also campaigned for Remain. 'As for the three-line whip', Clarke continued:

*I would point out to those who say that I am somehow being disloyal to my party by not voting in favour of this Bill that I am merely propounding the official policy of the Conservative party for 50 years until 23 June 2016. I admire my colleagues who can suddenly become enthusiastic Brexiteers, having seen a light on the road to Damascus on the day that the vote was cast, but I am afraid that that light has been denied me.*¹⁶⁶

For the Conservatives, the whipping operation was overseen by then Chief Whip, Gavin Williamson, later accused, by his deputy Anne Milton, of effectively having used blackmail and intimidation during his tenure.¹⁶⁷ Before the vote he publicly warned both Labour and Conservative MPs not to play 'silly political party games'. 'We want to buckle down and get on with delivering Brexit. The people made their views very clear in the referendum and they don't expect the process to be frustrated'. Bearing in mind Emma Crewe's finding, that whips' activities are 'geared to a continual process of bullying the other parties', Williamson also delivered a direct warning to the Opposition benches.¹⁶⁸ 'A lot of people will be surprised and disappointed if there

163 Eagleton, *The Starmer Project*, p. 76.

164 *Guardian* (1 February 2017) [<https://www.theguardian.com/politics/blog/live/2017/feb/01/article-50-debate-vote-bill-pmq-theresa-may-jeremy-corbyn-ivan-rogers-to-give-evidence-to-mps-about-why-he-quit-as-uks-ambassador-to-eu-politics-live?filter=KeyEvents=false&page=with:block-58923ee1e4b0e481c6e49aa8#block-58923ee1e4b0e481c6e49aa8>], accessed: 9 August 2022.

165 HC Deb 31 January 2017 Vol 620 col 829.

166 *Ibid.*

167 *Channel 4 News* (8 November 2022), [<https://www.channel4.com/news/exclusive-gavin-williamsons-former-deputy-alleges-wholly-inappropriate-threat-made-to-mp-in-financial-trouble>], accessed 11 November 2022.

168 Crewe, *The House of Commons*, p. 138.

are Labour MPs who attempt to amend the terms of us leaving the EU and wreck the process of Brexit', Williamson threatened in the build-up to the vote.¹⁶⁹ With the right-wing tabloids echoing his message, Williamson positioned himself as a 'teller' on the day of the vote, which would traditionally mean that he was standing in the lobby and counting through the MPs who voted for the trigger.¹⁷⁰ The Conservatives had 'deployed the usual combination of inducement and menace', according to the *Financial Times*.¹⁷¹

Even as MPs traipsed into the lobbies for the vote, says A.C. Grayling, 'many of them stated that they knew it was wrong, disastrous for their country, against their considered opinion, and not what they wished. Yet they voted against their knowledge and judgement because ordered to do so, and whipped to do so'.¹⁷²

3.3: Concluding notes

If there were ever examples to demonstrate that the whipping system can be a threat to the good of the country, or a knife at the throat of representative democracy, the votes on Iraq and Article 50 are surely among the most compelling.

In the case of Iraq, the public and the rebels have been tragically vindicated. A 2006 cross-sectional cluster sample survey, published in the *Lancet*, found an excess 654,965 (392,979 – 942, 636) Iraqi deaths as a consequence of the war.¹⁷³ Tony Blair was able to defend himself in front of the Chilcot Inquiry by citing figures to argue that the invasion of Iraq had saved lives. After investigating for the Royal Statistical Society, Michael Spagat concluded that: 'the evidence suggests that this claim should now take up its rightful place in the historical record next to Iraq's mythical weapons of mass destruction'.¹⁷⁴

169 *Express and Star* (25 January 2017) [<https://www.expressandstar.com/news/politics/2017/01/25/brexit-ruling-now-lets-just-get-on-with-it-says-chief-whip-gavin-williamson/>], accessed 7 October 2022.

170 *Daily Mail* (3 November 2016), [<https://www.dailymail.co.uk/news/article-3903436/Enemies-people-Fury-touch-judges-defied-17-4m-Brexit-voters-trigger-constitutional-crisis.html>], accessed: 9 October 2022; *Guardian* (1 February 2017) [<https://www.theguardian.com/politics/blog/live/2017/feb/01/article-50-debate-vote-bill-pmqs-theresa-may-jeremy-corbyn-ivan-rogers-to-give-evidence-to-mps-about-why-he-quit-as-uks-ambassador-to-eu-politics-live>], accessed 7 October 2022.

171 *Financial Times* (8 February 2017) [<https://www.ft.com/content/19d52920-ee0a-11e6-930f-061b01e23655>], accessed: 6 October 2022.

172 Grayling *Democracy and its Crisis*, pp. 137, 138.

173 Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Roberts, *Mortality after the 2003 Invasion of Iraq: a cross-sectional cluster sample survey* (*Lancet*, 21 October 2006), [<https://pubmed.ncbi.nlm.nih.gov/17055943/>], accessed: 6 March 2023.

174 Michael Spagat, *Truth and Death in Iraq under Sanctions*, (Royal Statistical Society, 2010), [<https://rss.onlinelibrary.wiley.com/doi/full/10.1111/j.1740-9713.2010.00437.x>], accessed: 6 March 2023.

Meanwhile, the 16 Conservative rebels, who, in the words of Lord Deben, had 'the stomach' to defy their whips, held a dinner ten years after the vote to, as Deben says, 'celebrate our differences and the justice of our cause'. Those who are still alive will do the same this year. History, Deben adds, has proved them right.¹⁷⁵

In the case of Article 50, Brexit's economic consequences have since become clear: 'a £100bn a year hit to prosperity', reported the *Financial Times* recently.¹⁷⁶ A report for the Centre for European Reform, in December 2022, based on a 'doppelganger' model of a UK which had not left the European Union, found that, in the second quarter of 2022, Brexit had reduced GDP by 5.5%, investment by 11%, and goods trade by 7%.¹⁷⁷

Once again, the public was unaware of the whipping operation behind the scenes of the vote; once again, it has cause to regret it. 'A majority of Brits now say that the vote for Britain leaving the EU was a mistake' reported the *Spectator* in December 2022. 'Only one in five think Brexit is going well – and seven in ten say that it has gone as badly, or worse, than they feared. In the past year alone, there has been a ten-point swing toward rejoining the EU... A large swathe of the country is now utterly and increasingly convinced that the referendum outcome was the wrong call.'¹⁷⁸ In January 2023, a survey by Focldata found that in every constituency in the country, except three, more people agreed with the statement 'Britain was wrong to leave the EU' than disagreed.¹⁷⁹ In March 2023, this was further vindicated by polling commissioned by the Constitution Society.¹⁸⁰

Without the whipping system, the use of bullying, threats, menace, emotional blackmail, misinformation or manipulation, and if MPs had been left instead to exercise their own judgement, or follow their own consciences, it is reasonable to conclude that the invasion of Iraq, and the departure from the EU without plan or conditions may not have happened. The UK could now be a very different country.

175 *The Independent*, (19 March 2023), [<https://www.independent.co.uk/voices/iraq-war-anniversary-voted-against-lord-deben-b2303232.html>], accessed: 24 March 2023.

176 *Financial Times* (30 November 2022), [<https://www.ft.com/content/e39d0315-fd5b-47c8-8560-04bb786f2c13>], accessed: 2 December 2022.

177 Centre for European Reform, *The Cost of Brexit to June 2022* (21 December 2022), [<https://www.cer.eu/insights/cost-brexit-june-2022>], accessed: 3 January 2023.

178 *The Spectator* (23 December 2022), [<https://www.spectator.co.uk/article/bregrets-britain-has-a-few/>], accessed: 3 January 2023.

179 *UnHerd Britain*, (January 2023), [<https://unherd.com/2023/01/introducing-unherd-britain-2023/>], accessed: 20 January 2023.

180 *The Constitution Society*, (March, 2023), [<https://consoc.org.uk/publications/red-wall-polling-2023/>], accessed 24 March 2023.

Chapter 4: Whipping outside the Commons

4.1: The Lords

There are many criticisms of the House of Lords, this antediluvian, unelected anomaly which has nevertheless periodically blocked the worst excesses of extremist governments. The method of new appointments to the chamber is among them: Boris Johnson, as other prime ministers, has seized the prerogative to appoint a motley crew, including cronies and supporters, to the House; ten percent of the total, even before his resignation honours list is published.¹⁸¹ Liz Truss, prime minister for 49 days, remains poised to follow suit.

In one sense, whips in the House of Lords are far more active than their counterparts in the Commons; taking part at the despatch box promoting and defending departmental policy; answering questions, responding to debates, and taking through primary and secondary legislation.¹⁸² Nevertheless, although party instructions are sent, and House business is agreed via the ‘usual channels’, there has always been a real element of uncertainty in the results of votes, due firstly to the cross-bench and unaffiliated peers in the Chamber – currently 210 of them. While outnumbered by the Conservative peers (260); combined with either Liberal Democrat peers (83) or Labour (174) they form a powerful voting bloc.¹⁸³ And they are free agents.

Even without the unaffiliated peers, the power of the Lords’ whips is severely limited, as all their members are unelected. The ultimate threat of withdrawing the whip has no traction. A curious air of anarchic, non-hierarchical cooperation seems generally to prevail as a result, despite the whipping system and quite at odds with the atmosphere in the Commons.

‘The ethos of egalitarianism between peers and control by all peers, engenders humility and a pressure to follow the formal and informal, explicit and implicit rules, and behave as a peer should’ enthused Emma Crewe, in her 2010 anthropology of the House of Lords.¹⁸⁴

181 Hannah White, *Johnson’s resignation honours list makes House of Lords reform appear as far off as ever*, (Institute for Government, 26 July 2022), [<https://www.instituteforgovernment.org.uk/article/comment/johnsons-resignation-honours-list-makes-house-lords-reform-appear-far-ever>], accessed: 6 March 2023.

182 Government Whips in the House of Lords [<https://www.lordswhips.org.uk/ministerial-team>], accessed: 2 January 2023.

183 Lords Membership, [<https://members.parliament.uk/parties/Lords>], accessed: 7 November 2022.

184 Emma Crewe, *An Anthropology of the House of Lords* (The Journal of Legislative Studies, 2010), Available at: [<https://www.tandfonline.com/doi/full/10.1080/13572334.2010.498100>], accessed: 26 July 2022.

Writing before Labour's current plans to 'reform' the House of Lords, by abolishing it and replacing it with a democratically elected second chamber, Tim Renton, a Lord himself, said that the central question of any reform was whether the lack of party hostility in the Lords could be built on to create a constructive Upper House that would be 'more active in restraining the executive government that now dominates the Commons'.

'The Upper House, if it has elected members slavishly following the whip, will become a pale shadow, a mere clone, of the Commons' he wrote. 'Coming from twenty-three years in the Commons, what I have found in the Lords is an ability to work together from all sides of the House for the improvement of legislation. This may consume a great deal of time but the ethos is still primarily a non-political one.'¹⁸⁵

With this, Renton appears to answer the dilemma with which he begins his book, that:

The concept of a freely elected politician being whipped to make him forget his principles and vote instead for a measure he does not agree with strikes at the heart of representative democracy...Yet without whipping and the organisation of parliamentary business that goes with it, the Commons would be a shambles.¹⁸⁶

Despite its many and pressing constitutional issues, the fact that the House of Lords is relatively free from the crack of the whip has not, by all accounts, made it a shambles. On the contrary, the relative impotence of the whipping system has allowed it to foster a serious, sensible, non-political and often consensual approach which our MPs currently lack. And 'certainly with more concern for the rights and wrongs of Government legislation' comments Mike Storey, a Liberal Democrat peer. 'Last week the Lords voted down three Government amendments on the Police Bill with Lib Dems, Labour and the Cross Benchers. The vote ensured the rights of people to protest which Government wanted to curtail.'¹⁸⁷

This culture is itself under immediate threat from Boris Johnson. His honours list plan for the upper chamber, called 'Operation Homer' was leaked last year. Put together by Johnson's political advisor Lynton Crosby, it has, says Gareth Roberts, 'the aim of creating a submissive House of Lords with a healthy and sustained Tory majority'. Some of these new Conservative peers would also be given jobs on the government pay-roll, and 'made to sign a contract obliging them to vote in favour of the Government on every occasion.'¹⁸⁸

185 Renton, *Chief Whip*, pp. 347, 350.

186 Renton, *Chief Whip*, Preface, p. vii.

187 Email correspondence, 21 February 2023.

188 Gareth Roberts, *Is Boris Johnson's Plan for the House of Lords the Greatest Attack on British Democracy?* (Byline Times, 1 August 2022), [<https://bylinetimes.com/2022/08/01/is-johnsons-plan-for-the-house-of-lords-the-greatest-attack-on-british-democracy/>], accessed: 6 March 2023.

4.2: Local councils

Few members of the public are aware that the whipping system extends to local councils. ‘Local political parties will often be quite cagey about political management techniques. The whip’s recognised; it’s a thing that’s present, that exists, but there’s curiously little written about it’ agrees Ed Hammond, interim Chief Executive of the Centre for Governance and Scrutiny.

National parties, across all councils, will usually have a traditional structure, with a Chief Whip, and perhaps a deputy. The roles are generally unpaid, sitting alongside another council cabinet post, such as Deputy Leader, which are paid extra, instead.

‘Whipping in council Labour groups works very differently to that in Conservative groups’ says Hammond. Labour groups have internal processes for decision making which are more formalised: there will generally be elections for a leader, for example, which has an effect on the leader’s authority, and the way that other members act towards them. ‘More comes down to the personality and style of the people in charge’ says Hammond. Conversely: ‘Conservative groups like to feel that they make decisions more from consensus. The leader feels they have to get their group on side, and can’t really take too much of a dictatorial approach. You’re more exposed than if you’re in leadership nationally’.

Hammond thinks the problem of bullying and intimidation is less prevalent in councils than in parliament, both because members are part time, and because opportunities for inducements are less.

I do think in circumstances where some people have power and some people don’t bullying seems to follow almost organically. It certainly exists in councils – member on member bullying within the same group, bullying across parties and bullying of officers as well, and I think sometimes the perpetrators can be whips. Sometimes the position of Chief Whip and whips’ positions do lend themselves to people who want to exert power. And that’s the nature of the role, isn’t it really? You can get people who want to exert their power in those negative ways. But it plays out very differently from council to council; there’s no trend.¹⁸⁹

Examples of the bullying power of council whips can be as egregious as those from Westminster. Marcia Hutchinson MBE was elected a Labour councillor for Manchester’s Ancoats and Beswick ward in 2021, but resigned six months later, citing the worst racism and bullying she had ever encountered. As a new councillor, she says, she ‘entered a culture where councillors who do not toe the leadership line are ruthlessly bullied. Criticism is simply not tolerated. Any objections to policies which

189 Interview with Ed Hammond, interim Chief Executive of the Centre for Governance and Scrutiny (18 January 2023).

the Leader has decided to implement are dismissed as coming from the “sectarian left”. More often than not, the Whips’ Office is the tool used to carry out the bullying, she wrote, in her open resignation letter. ‘I have, sadly, come to the conclusion that I can be much more effective outside the corrosive reach of the Labour Group Whips.’¹⁹⁰

But local councils, while providing some of the worst examples of entrenched party power, also increasingly provide models of collaborative, non-coercive, representative democracy. As of July 2021, 35 councils had leaders from the Local Government Authority’s (LGA) Independent Group of Councillors (made up of Independent, Residents’ Association and Green councillors). A further 34 had Independent Group members in their administrations, many of whom were involved in shared partnership agreements. Here, these councillors were governed not by the whip, but by mutual agreement.

Altogether, 307 authorities, or 92 percent of councils in England and Wales, had Independent Group members.¹⁹¹ Among them is Stroud District Council, which has been led by a political alliance for ten years. The 2019 LGA report found that the council’s cooperative alliance operated successfully, and that all political parties across the council, which include Conservatives, Greens, Liberal Democrats, Independents, and Labour members, ‘worked hard and collaboratively’, to their ‘collective credit.’¹⁹²

‘Greens don’t use a whip, Libs don’t, Community Independents and Independent Left don’t’ comments Stroud Independent councillor, Robin Drury-Layfield. ‘The only people that use whips (in Stroud District Council) are Labour and Tories and these two parties are locked into a battle of opposition.’

Drury-Layfield, himself formerly a Labour councillor, argues that: ‘When you have the courage to relinquish the whip, you need to win consensus through the power of your arguments and the strength of your conviction: that’s real politics.’ The alternative, he says, ‘leaves you telling people what to think because you said so and you might score a small victory in some arcane game of three-dimensional chess that no-one will ever understand.’¹⁹³

190 Marcia Hutchinson, Resignation Letter (30 November 2021) [https://drive.google.com/file/d/16V_LYYMQ3TsEm8bJgBo0Ehh8ZSvE2NdX/view], accessed: 17 December 2022.

191 Local Government Association, *Independents in Local Government* (July 2021) [<https://www.local.gov.uk/lga-independent/independents-local-government>], accessed: 18 August 2022.

192 Detailed in email from Stroud councillor (1 January 2023).

193 Email correspondence (21 February 2023).

4.3: International

4.3.1: Germany

The Bundestag offers an interesting comparison with Westminster, remarks a report for the Constitution Unit. 'In addition to being of comparable size to the Commons, it is generally seen as combining Westminster-style stable majority (if coalition) government with a more consensual political culture'.¹⁹⁴

In the Bundestag, the whip's role is the 'Fraktionsgeschäftsführer', which would directly translate to 'party business leader', or party manager. Whips are also known as parliamentary secretaries. They regulate the business of their parliamentary groups: organising committees, making sure that their MPs turn up for important votes, and agreeing on, and submitting, topics for debate.¹⁹⁵

As in the United States, however, German party managers are elected by their fellow party members.¹⁹⁶ And, unlike the UK, coercing party members to vote with their party is directly illegal under German Basic Law. Article 38 (1) states: 'Members of the German Bundestag shall be elected in general, direct, free, equal and secret elections. They shall be representatives of the whole people, not bound by orders or instructions, and responsible only to their conscience' – thereby effectively enshrining Burkean parliamentary philosophy into legal practice.¹⁹⁷

There is indirect evidence that party coercion ('Fraktionszwang') exists in Germany.¹⁹⁸ More openly common is 'Fraktionsdisziplin'; a legally allowed means of persuasion, ideally in the form of 'constructive discussions', or 'Fraktionsolidarität', where an MP is convinced to follow the parliamentary group's line 'out of solidarity'. It is difficult to prove when legal actions common in Westminster such as withdrawing information, denying offices or restricting the public expression of an MP cross over into actions illegal under the German system. 'Defiant MPs are emotionally blackmailed, muzzled and lose important channels of influence, which hinders their daily political work' says Christina Zimmerman of the School of Slavonic and East European Studies at University College London.¹⁹⁹

194 Meg Russell and Akash Paun, *Managing Parliament Better - A Business Committee for the House of Commons* (The Constitution Unit, 2006), p. 6, [<https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/135.pdf>], accessed: 3 November 2022

195 Party Managers (Deutsche Bundestag, 2011) [https://www.bundestag.de/webarchiv/textarchiv/2011/35387885_kw33_parlgesch-206050], accessed 23 November 2022.

196 Patrick Schneider (CDU) [https://www.patrick-schneider.de/artikel/patrick-schneider-als-parlamentarischer-geschaeftsfuehrer-wiedergewaeht?x_tr_sl=de&x_tr_tl=en&x_tr_hl=en&x_tr_pto=wapp], accessed: 23 November 2022.

197 Basic Law for the Federal Republic of Germany (Federal Law Gazette, 1949) [https://www.bundeswahlleiter.de/en/dam/jcr/7c479610-68e2-4c5e-b724-9e8a9930d543/grundgesetz_auszug_engl.pdf], accessed: 19 August 2022.

198 Christina Zimmerman, *Fraktionszwang*, (Global Informality Project) [[https://www.in-formality.com/wiki/index.php?title=Fraktionszwang_\(Germany,_Switzerland,_Austria\)&mobileaction=toggle_view_desktop](https://www.in-formality.com/wiki/index.php?title=Fraktionszwang_(Germany,_Switzerland,_Austria)&mobileaction=toggle_view_desktop)], accessed: 1 December 2022.

199 Ibid.

Michael Kolkmann, a political scientist at the University of Halle, disagrees. ‘Faction coercion? Doesn’t exist at all,’ he says. ‘We don’t really know about faction coercion, you read about it again and again, even in quality media, but maybe it makes more sense to speak of faction discipline.’²⁰⁰

Whether it exists or not, a poll in 2015 showed that 69 percent of Germans ‘rather’ or ‘completely’ rejected something like ‘Fraktionszwang’. Only one in six (18 percent) supported the practice despite the fact, the poll website adds rather crossly, that Fraktionszwang ‘can also contribute to the stability of a parliamentary majority and thus to the functioning of a government.’ The poll showed that 57 percent of Germans considered the conscience of politicians as one of the most important decision-making criteria, while 64 percent considered that campaign promises were the most important thing.²⁰¹

4.3.2: Hungary

At the other end of the European democratic spectrum from Germany is Hungary. In September 2022, members of the European Parliament declared that Hungary was no longer a fully functioning democracy, and should be considered a ‘hybrid regime of electoral autocracy’, in which elections are regularly held but without respecting basic democratic norms.²⁰²

When Viktor Orban came to power at the head of Fidesz, the ‘Association of Young Democrats’, it had morphed from a motley group of postgraduate liberal intellectuals into a disciplined (if more conservative) party, Orban’s Senior Military Advisor, Bela Kiraly, suggested in 1998. The challenge for the young Orban was, in Kiraly’s view, the large number of new Fidesz MP’s, many of whom ‘have never been subjected to the party whip... Disciplining these new MPs will be difficult, not impossible’ Kiraly wrote. ‘Orban will have to keep them in line while at the same time working in coalition with a number of other parties’. But, ‘the economy is not in bad shape and social peace prevails... Hungarian politics now appears to be emerging into a stable two party or party/bloc system’ he added.²⁰³

200 *MDR Current* (21 February 2022) [https://www-mdr-de.translate.goog/nachrichten/deutschland/politik/hmp-fraktionszwang-bundestag-impflicht-100.html?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=wapp], accessed: 12 December 2022.

201 Majority of Germans reject Faction Coercion (25 August 2015), [https://yougov-de.translate.goog/topics/politics/articles-reports/2015/08/25/mehrheit-der-deutschen-lehnt-fraktionszwang-ab?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc], accessed: 2 December 2022.

202 *Euronews* (16 September 2022), [<https://www.euronews.com/my-europe/2022/09/15/hungary-is-no-longer-a-full-democracy-but-an-electoral-autocracy-meps-declare-in-new-repor>], accessed: 10 November 2022.

203 Bela Kiraly *Swinging to Stability in Hungary* (Project Opinion, 1998) [<https://www.project-syndicate.org/commentary/swinging-to-stability-in-hungary>], accessed: 10 November 2022.

Enough has been written about Orbán's subsequent far right populism.²⁰⁴ His undoubted ability to discipline his party has possibly been helped by the fact that in Hungary, the Parliamentary Group Leader, 'one of its leading public figures and representatives', is also the party's Chief Whip.²⁰⁵

'In Fidesz, without exception, each representative votes as one person on important issues' wrote an anonymous representative from the now apparently defunct Platon Party, in 2017. 'The same is true for all other parties that have been infected by the parliamentary virus of party discipline. Why do we pay 199 parliamentarians? It would be enough to pay 5 representatives. Party discipline is destructive to society and only good for the party leader for an autocratic rule' they conclude.²⁰⁶

Hungary provides clear proof of the fact that if whipping is taken to its most extreme, it leads to a unanimity which is not merely harmful to democracy, but turns the democratic process into a sham. MPs cease to represent their constituents, or even their voters, and become mere tools for the implementation of the leadership's will. It is both an example, and a warning.

4.3.3: Canada

Dropping the whip with all the connotations of sado-masochistic rituals of domination would be contributing to the project of decolonization that needs to be continued non-violently

Biko Agozino.²⁰⁷

Canada's post-colonial history has meant that, in many ways, it has closely followed the UK parliamentary whipping tradition. There are whips, and in the main parties the Chief Whip is appointed by the party leader. But the fact that the Canadian Green Party has a policy of not whipping, and the New Democratic Party did, for a time, elect their Chief Whip, reflects a struggle which is ongoing and relevant. Even in the main parties, the government's Chief Whip is not automatically invited to join the Cabinet, and a whip's position is not seen as a path to becoming a minister. The role has, in recent decades, been overtaken in terms of prestige and influence by that of the House Leader, who in all parties is seen as the leader's most influential advisor on tactics and strategy.

204 POLITICO (26 July 2022) [<https://www.politico.eu/article/nazi-talk-orban-adviser-trashe-mix-race-speech-dramatic-exit/>], accessed: 4 November 2022.

205 Bill Lomax *The Structure and Organization of Hungary's Political Parties*. (Party Structure and Organization in East-Central Europe, 1996), p. 23.

206 Platon Party (Party Discipline, 2017) [https://platonpart-hu.translate.goog/public/nyiltlevel/20170824_Partfegyelem.html?_x_tr_sch=http&_x_tr_sl=hu&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc], accessed: 3 December 2022.

207 Agozino, *The Whip in the House*, p. 6.

Nevertheless, 'whips exert considerable power over backbenchers' writes Alex Marland, a professor of political science and author of the 2020 book *Whipped: Party Discipline in Canada*.²⁰⁸ As in the UK, whips assign committee membership, authorize trips, and decide who can go home early. They and their staff monitor social media, and report back to the leadership on whether or not an MP should be promoted.

Canada's rigid party cohesion, wrote Martin Westmacott in 1983, results in an assumption that all members will support the party position, and that the whip's intervention to contain dissent will rarely be necessary.²⁰⁹ 'Anyone with a passing understanding of Canadian politics is aware of the stubborn presence of party discipline in the parliamentary system' agreed academic J.P. Lewis in 2021. 'As a central trait of Canadian Parliament', he points out, 'party discipline has driven away voters – it has even inspired the development of new political parties.' Lewis cites an old, and recurring, question for Canadians, and for representative democracies everywhere. 'How could this control (party discipline) be destroyed, and the individual member be made an independent critic of government and of legislation, and a responsible servant of the people?'²¹⁰

In 2020, an independent Canadian representative introduced a bill to eliminate party whips, on the grounds that they promoted coercion, rather than consensus. It failed, but Canadian MPs, including some Conservatives, also spoke critically and openly about the methods of top-down control. Still, 'most Canadian legislators' says Marland, 'loyally vote with their party almost all the time. They dissent by staying away when the division bells ring announcing that it is time to vote'. Since this is the case, and echoing the calls from Hungary, Marland poses a question. 'So those who are supposed to represent us, do what they are told or stay home? Then why do we need to pay for 338 of them? If they are not thinking for themselves or for us, why bother having so many? We could cut the number in half and have the same pretence of a democratic process.'²¹¹

208 Alex Marland, *Whipped: Party Discipline in Canada* (University of British Columbia Press, 2020).

209 Martin Westmacott, *Whips and Party Cohesion* (Canadian Parliamentary Review, 1983) [<http://www.revparl.ca/english/issue.asp?param=106&art=544>], accessed: 5 October 2022.

210 J.P. Lewis, *Party Unity and Discipline in Canadian Politics*, Canadian Journal of Political Science (Cambridge University Press, 2021) [<https://www.cambridge.org/core/journals/canadian-journal-of-political-science/revue-canadienne-de-science-politique/article/party-unity-and-discipline-in-canadian-politics/E8ED86402328FC0069E6374D49A73CFB>], accessed 5 October 2022.

211 Alex Marland, *Whip it Good* (Globe and Mail, 2020), [<https://www.theglobeandmail.com/opinion/article-whip-it-good-whips-embody-the-best-and-worst-of-party-discipline/>], accessed: 24 November 2022.

4.4: Concluding notes

It is surprising to find in two such countries as Canada and Hungary, which appear at face value to be polar parliamentary opposites, that criticisms of the whipping system are vocal, serious, and focus on remarkably similar preoccupations. Above J.P. Lewis asks how we might replace the whip and build something better in its place, and in so doing, he neatly summarises the passion felt by those who have contemplated the effects of the whipping system, and seen in it a dangerous disenfranchisement of both MPs and voters. That commenters in both Canada and Hungary see representatives as effectively redundant when the whip is rigorously applied and obeyed is less surprising: that, after all, is the logical outcome.

In Germany, voters' rejection of 'party coercion' reflects and acknowledges similar concerns, as does the fact that MPs' freedom of conscience was enshrined in German law after the fall of the Nazi regime, in 1949. By electing party managers, rather than the leadership appointing them, the German system also highlights the, one would think, vital importance of instilling the tools of representative democracy within the systems of a representative democracy.

Germany's more consensual political culture has failed to take root in Westminster, partly because of a two party tradition, but also because, within that system, UK MPs are actively discouraged by the whipping system from seeking consensus. Instead, the efforts of the whips are directed towards ensuring that every MP accepts every vote as a simplistically binary decision, without nuance or choice, and as a question of whether 'their' party wins or loses, regardless of the issue, and the effects.

Hopes are currently rising among non-Conservative voters, distrustful of Labour leader Keir Starmer, for the next election to return a marginal Labour lead, which will force that party to collaborate with the other non-Conservative parties in order to govern. In the coalition Conservative-Liberal Democrat government, this collaboration had some interesting consequences, as far as the whipping system was concerned. Liberal Democrat MPs had to be whipped to support the introduction of tuition fees, for example, while Conservatives had to be whipped to support a referendum on the Alternative Vote system; both of which they had vehemently opposed. Should consensus across several parties be necessary, however, it is quite possible that MPs will be liberated in the confusion, and the whips will see their immediate power fade. Westminster might, curiously enough, start to more closely resemble the current House of Lords, Stroud District Council, and the Bundestag.

Chapter 5: Changing the system

5.1: Reforming parliament

The Backbench Business Committee recommended by the Wright Committee reforms in 2009 was set up in 2010. It was seen by many as ‘the first major reversal of a century-long trend of the government taking increasing control of the agenda of the House.’²¹² It was intended to allow increased time and opportunity for backbenchers to choose topics for debate: to take control of at least some parliamentary business back from the government whips who otherwise ensure that, apart from the thirteen Fridays in each session scheduled for private members’ bills, government business takes precedence ‘at every sitting.’ The Wright reforms also ensured that one of the whips’ powers of patronage – appointing the chairs of Select Committees – was removed; chairs came to be elected by a secret ballot of MPs instead.

When it actually came to implementing the Backbench Business Committee, says Andrew Kennon, writer, lecturer, and for 39 years a Clerk in the House of Commons, ‘the whips did all they could to frustrate it, and to tell people there’d be complete chaos because they weren’t in charge one day a week. And they were unhelpful and uncooperative... the attitude was one of complete hostility: they wanted this thing to fail because they didn’t like losing control’.²¹³

At first, despite these efforts, the Backbench Business Committee made a significant impact. A review by David Foster of its first two years found that it was successful at ‘enhancing the transparency of scheduling non-government business, improving the relevance of Commons debates and showing itself to be an excellent method of holding government to account’. At the time, Foster warned that changes to the way it was elected risked undermining its effectiveness in the future, and so it proved.²¹⁴

The original standing order for the Committee had provided for its members, and the chair, to be elected by a secret ballot of the whole House, using a complex Single Transferable Vote system to ensure gender balance as well as party balance. However, in 2012, the government chose to replace this with internal party elections, thus removing, says a former clerk of the committee, much of the sense of common ownership by all backbenchers, regardless of party.²¹⁵

212 Paul Evans, *The Backbench Business Committee – An Unfinished Revolution?* (The Constitution Unit, 2021) [<https://constitution-unit.com/2021/01/22/the-backbench-business-committee-an-unfinished-revolution/>], accessed: 1 August 2022.

213 Interview with Andrew Kennon (23 September 2022).

214 D.H. Foster, *Going ‘Where Angels Fear to Tread’: How Effective was the Backbench Business Committee in the 2010–2012 Parliamentary Session?* (Parliamentary Affairs, 2015) Vol 68, pp. 116–134.

215 Paul Evans, *The Backbench Business Committee – An Unfinished Revolution?* (The Constitution Unit, 2021) [<https://constitution-unit.com/2021/01/22/the-backbench-business-committee-an-unfinished-revolution/>], accessed: 1 August 2022.

The Whips' Office, according to MP Peter Bone, had previously deliberately conspired to derail the Committee. They had, he said, sent an e-mail to MPs claiming that the Committee had decided always to hold its business on a Thursday and to table motions for discussion only a day or so before. 'Both those alleged facts were completely incorrect' Bone told the House of Commons:

*It was in fact the Whips' Office that decided that the debate should be on a Thursday, against the advice of the Wright report, and the Committee should have been given earlier days in the parliamentary week, not Thursdays. It was also entirely untrue to state that the Committee tabled motions only a day or so before the debate; the Committee normally provides several weeks' notice. The purpose of that disinformation was clearly to show the Committee in a bad light to Members, because it will inevitably take power away from the Whips.*²¹⁶

Debates were indeed scheduled for the 'graveyard shift' on a Thursday afternoon, and most have consequently had little or no impact. Government whips still remain 'the holders of the key to the treasure trove of time.'²¹⁷

Graham Allen, who was one of the members of the Wright committee, is clear. 'We came up with a number of reforms which reduced the power of the whips and strengthened Parliament. However since then, bit by bit they've been taken away. It's this fear of government, which is that the legislature could be a threat. Instead of it being a partner, it's a threat.'²¹⁸

Attempts to curtail the power of the whips reached their apotheosis in 2010, when Peter Bone put forward a motion for leave to introduce a Bill: 'to disqualify for membership of the House of Commons any person who holds the office of Parliamentary Secretary to the Treasury, Deputy Chief Whip, Government Whip, Assistant Government Whip, Chief Opposition Whip or Assistant Opposition Whip; and for connected purposes': in effect, a Bill to abolish the whips.

As often happens with Bills not backed by the government, Bone's Bill ran out of time, and was never voted on. But a striking range of people have concurred. Lord Robin Butler, former Cabinet Secretary and head of the Home Civil Service, told Boris Johnson, then writing for *The Spectator*, that: 'I think we are a country where we suffer very badly from Parliament not having sufficient control over the executive and that is a very grave flaw. We should be breaking away from the party whip.'²¹⁹ Most recently, Manchester mayor Andy Burnham, speaking to a fringe event at the 2022 Labour Party conference, was reported as saying that the whipping operation in Parliament should be scrapped.²²⁰

216 HC Deb 19 October 2010 vol 516 col 830.

217 Evans, *The Backbench Business Committee* (2021).

218 Interview with Graham Allen (10 October 2022).

219 *The Spectator* (11 December 2004) [<https://www.spectator.co.uk/article/how-not-to-run-a-country/>], accessed: 27 July 2022.

220 *I News* (September 27 2022) [<https://inews.co.uk/news/politics/andy-burnham-burnishes-labour-left-credentials-at-party-conference-but-rebellion-isnt-in-the-air-1879543>], accessed: 2 December 2022.

As far as the House of Commons is concerned, as Andrew Kennon concludes in a paper written for the Constitution Unit in 2001, 'not only does any Government have the veto over any parliamentary reform, in practice no reform is likely to succeed unless it starts with the explicit support of the Government.'²²¹ Given both main parties' reliance on the whipping system, and the desire of the whips themselves to hold onto power, scrapping it would seem to be an unlikely scenario, whichever party is in government.

5.2: Legal challenges

'It is illegal in every other workplace in the country to secure compliance with bosses' wishes by threats analogous to these' says A.C. Grayling of the current system. 'How can this be acceptable in Parliament? It is *permitted* because the precincts of Parliament are *outside the law of the land*, and within the boundaries of the Palace of Westminster M.Ps can do many things with literal impunity for which they would be arrested outside'.

But this may not always be the case. *R. v Chaytor*, in 2010, involved three former Members of Parliament and a peer, who had been committed for trial on charges of false accounting for the purposes of making fraudulent parliamentary expense claims. They argued that the Crown Court had no jurisdiction to try the cases 'as to do so would have infringed parliamentary privilege'. The Supreme Court rejected this argument. 'The extent of parliamentary privilege is ultimately a matter of law which was for the courts to determine, paying due regard to the views of Parliament. Only activities which had a sufficiently close relationship with core or essential parliamentary business could fall within this definition.'²²²

'I think threatening exposure of private sexual conduct is potentially prosecutable in particular circumstances' says Baroness Helena Kennedy, KC. Moreover, she adds: 'I think there should be something in the parliamentary code of conduct that makes clear that there could be issues of legality if threats are made or inducements are given for votes in the House.'²²³

Former minister Gavin Williamson is currently facing party and parliamentary investigations into allegations of bullying civil servants, though these do not stem from his actions as Chief Whip. In November 2022 Chris Bryant asked the parliamentary standards commissioner, Kathryn Stone, about the rule that MPs 'cannot accept a bribe that might influence their behaviour'. 'If a chief whip were to give money to an MP, and they said they owned the MP, would that be a breach of this rule?' reported *The*

221 Andrew Kennon *The Commons: Reform or Modernisation* (The Constitution Unit, 2001), p. 2, [https://www.ucl.ac.uk/constitution-unit/sites/constitution_unit/files/67.pdf], accessed: 29 July 2022.

222 Erskine May, *R v Chaytor*, para 16. 26 [<https://erskinemay.parliament.uk/section/5064/chaytor/>] accessed 11 August 2022.

223 Email correspondence (10 January 2023).

Guardian. Bryant appeared to be referring to Anne Milton's claim that, as Chief Whip, Williamson had authorised money for an MP in financial trouble. 'Make sure, when you give him this cheque, he knows that I now own him' he had told Milton.²²⁴ Stone hinted that an investigation might follow.²²⁵

Until now, no Chief Whip, or whip, has ever been held accountable; either to the Ministerial Code, or to the law. This is remarkable, given the Code itself stipulates that: 'Harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated' and that 'Ministers must not use government resources for party political purposes'.²²⁶ The efforts of Chris Bryant and others represent (some) encouraging signs that this is starting to be openly questioned.

5.3: Concluding notes

With a substantial Labour lead in the polls, both Labour and Conservative leaderships are currently attempting to impose greater control over their parliamentary parties. With Labour, this includes the blocking of former leader Jeremy Corbyn, and a slew of popular local candidates, from standing as Labour candidates for Parliament.²²⁷ Meanwhile the Conservative Party have seen a reversal of the 'open primaries' briefly used as a democratisation of the candidate selection method.²²⁸

Now, in both parties, the threat is that only those who are leadership approved will be able to contest Westminster elections. 'This is the whips' power reaching out into other areas. Because that's exactly what the whips do – they try and find people's unsuitability and then report it back. And you've got to face up to that, because they'll use it against you, and that's now working its way through to candidate selection' comments a former Labour minister.²²⁹

224 *Channel 4 News* (8 Nov. 2022) [<https://www.channel4.com/news/exclusive-gavin-williamsons-former-deputy-alleges-wholly-inappropriate-threat-made-to-mp-in-financial-trouble>], accessed: 12 December 2022.

225 *The Guardian*, (15 November 2022) [<https://www.theguardian.com/politics/live/2022/nov/15/jain-duncan-smith-rishi-sunak-china-g20-jeremy-hunt-uk-politics-latest>], accessed: 2 December 2022.

226 Cabinet Office, *Guidance: Ministerial Code* (22 December 2022) [<https://www.gov.uk/government/publications/ministerial-code/ministerial-code>], accessed: 3 January 2023.

227 *BBC News*, (16 November 2022), [<https://www.bbc.co.uk/news/uk-politics-63636469>], accessed: 12 December 2022.

228 Agnes Alexandre-Collier *The 'Open Garden' of Politics* (British Journal of International Politics and Relations, 2016), p.1, [<https://www.psa.ac.uk/sites/default/files/conference/papers/2015/PSA%202015%20Alexandre-Collier.pdf>], accessed: 4 December 2022.

229 Interview with former Labour minister (20 October 2022).

While this is a periodic struggle within parliamentary democracies – ‘whoever controls selection controls the party’ noted Jeanette Ash in 2019 – this bodes ill for the future.²³⁰ It will inevitably reduce the diversity and independence of candidates who come to stand for Parliament. If MPs feel even their constituency business and support is conditional upon retaining the favour of the whips, their independence will be compromised once again. In turn, this all pervasive, top-down command and control, reflecting the Hungarian system, means that the public are conditioned to see ‘democracy’ as limited to casting a vote in the ballot box of a predetermined candidate. ‘For citizens to have trust in democratic processes, they must feel they will be listened to and that their arguments have weight’ argues Canadian writer D.G. Lilleker.²³¹ The same applies to their MPs. Otherwise disaffection, often mistakenly portrayed as apathy, opens up, or increases, the space for seemingly honest populists, alongside cynicism, selfishness, fear, and lack of real hope and tangible progress.

The prospect of constitutional reform of executive control in the UK Parliament and of legal challenge to the whipping system is a bright if vulnerable spark in the murk of Westminster politics. An increasing focus on the selection process of candidates for parliament reflects a worrying potential expansion of the whipping system out from the corridors of parliament. Constitutionally, this once again disempowers and disenfranchises the electorate. It increases the power of the whips by ensuring that MPs who might stand up to their tactics are fewer and farther between.

230 Ash, *Centralisation and the Labour Party's Selection Process* (2019) [<https://www.taylorfrancis.com/chapters/mono/10.4324/9781315175805-4/centralisation-labour-party-candidate-selection-process-jeanette-ash>], accessed: 5 January 2022.

231 D.G. Lilleker, *Book Review: Whipped: Party Discipline in Canada by Alex Marland*. (The International Journal of Press/Politics, 2021) [<https://doi.org/10.1177/1940161220982772>], accessed: 1 December 2022.

Conclusion

‘MPs’ said one recently, ‘don’t quite realise the power that’s invested in them. And they should’.²³²

In the UK, the public might still take solace in some of the restraints placed upon the whipping system. Voting by whips on behalf of MPs, although utilised during the coronavirus pandemic, has not become a permanent feature. Whips do not have a veto on their MPs speaking in Parliament. MPs still can, and do, rebel against the whip. There are parliamentary procedures to deal with egregious examples of bullying; there are even recent signs that these may be used. Nevertheless, as this report has made clear, the realities of the whipping system are still a worrying indictment of the state of parliamentary democracy.

The UK’s parliamentary whipping system is designed to control the way the people’s paid and elected representatives vote. It prefers, perhaps, to do so using the soft arts of persuasion, flattery, promises and reassurances. Should it be deemed necessary, however, it has employed bullying, bribery and/or blackmail, to ensure that MPs vote not according to their consciences, nor in accordance with the wishes of their constituents, but according to the diktat of their party leader. Of course, this is not necessarily happening now (italicise either ‘necessarily’ or ‘now’, as preferred). The most recent, whistleblowing claims of blackmail, bribery and bullying stem from January 2022.

To maintain a system which relies on various forms of coercion, and which attempts to block or frustrate initiatives for change is an insult; to the public, to parliamentary democracy, and to the MPs inside it. Its constitutional implications range from the corralling of parliamentary votes on to the disempowerment and disenfranchisement of both voters and their representatives. Its ethos reflects an outmoded, abusive boarding school culture which has dramatic, damaging consequences for all involved.

Peter Bone’s idea of simply abolishing whips has a direct charm equal to its improbability. A.C. Grayling’s idea that whipping should be allowed if the issue in question is in the party manifesto, is at first sight, attractive, but at second, troubling. Either it is wrong to force a person to vote against their judgement and conscience, or it is not.

²³² Phone interview (16 January 2023).

It is perhaps impossible from inside the House of Commons to envisage a government like Guernsey's, where over half the members are independent, and none have any tolerance for whips.²³³ But other examples do exist. Scottish Green Party MSPs at Holyrood, like their counterparts in Canada, do not use the whipping system and are proud of it. There are currently only eight of them, but setting an example can be a tool for change. Even the House of Lords can provide examples of cross-bench working which run counter to the very ethos of the whipping system.

Outside parliamentary structures, interest in 'deliberative democracy' or 'citizens' assemblies' has been increasing since the Irish government used the process to break through barriers to legalizing gay marriage and abortion. Although proponents warn they are not a 'magic bullet', as a way of engaging and empowering people on the ground, they can help provide an antidote to increasing disaffection and populism. Equally, argues Graham Allen, who launched a Citizens Convention on UK Democracy, and is involved in the global Summit for Democracy, when utilised by parliaments, they can liberate MPs, constrained and programmed by lobbyists and whips to see everything in black and white, from the pointless, repetitive binary systems in which they are otherwise stuck.

Meanwhile, it is possible to see that incremental challenges to the whipping system can, and must, occur. The seeds of such change sit in the hands of MPs themselves. If whips are party managers, and it is obvious that parties need managers, then a first step would be to start calling them party managers. Refuse to use the shaming lexicon which reduces party management to a threat, and MPs to its victims. Start agitating for limits on the party managers' powers; including their control over everything from the pairing system to office allocation. Argue for the legal liberation of MPs' consciences and dignity, using German Basic Law as the example. Insist that instances of bullying and bribery face consequences. Appreciate the examples of cross-party cooperation and collaboration. And envisage the country as it would have been, had it refused to obey presidential directives to attack Iraq, or to leave the European Union without first establishing decent terms. It would not be more poor, or less proud.

233 John Reardon and Christopher Pitch, *The strangest election in the world? Reflecting on the 2020 General Election in Guernsey* (Small States and Territories, 2021) [https://irep.ntu.ac.uk/id/eprint/42830/1/1436204_Pich.pdf], accessed: 2 August 2022.

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