

The Conscience Vote in a Representative Democracy

SAVES issued this statement in February 1997 in protest at the widespread abuse of the conscience vote by parliamentarians charged with determining the future of the Northern Territory Rights of the Terminally Ill Act.

The role of the "conscience" vote in a parliamentary democracy has come into sharp focus in the debate over voluntary euthanasia legislation. A conscience vote allows an MP to vote, or refrain from voting, according to what seems personally "right" or "wrong" regardless of party affiliation or policy. It is obviously not a measure of universal truth, since individual consciences turn out to be diametrically opposed on moral issues - not least voluntary euthanasia.

Are MPs who exercise a conscience vote answerable only to themselves? Suppose that what they deem "wrong" is deemed "right" by a majority of the electorate? As elected representatives in a liberal democracy do their consciences no longer have to respect the views - indeed, the consciences - of their constituents? After all, we know that the great majority of Australians - around 75% - respond positively to the opinion poll question that ends "... *should the doctor be allowed to give a lethal dose or not?*".

Opinion polls should not determine government policy, but is settling a complex social question by means of a "conscience" vote better? The government's task of balancing potential social benefit against potential social harm requires an assessment of probabilities, not a judgement of "conscience". The questions facing elected lawmakers are not, "Is the proposal repugnant to you?" but, "What do the people want and will society benefit?".

Is it ethical in a secular liberal democracy for an elected member knowingly to vote against the wishes of the electorate, merely on personal grounds? Lobbying members of parliament over voluntary euthanasia legislation reveals that the dilemma has been resolved for some by the fortunate discovery in themselves of an "**informed** conscience". This is a combination of moral and intellectual wisdom possessed by MPs but lacking in most voters. It is confirmed in the words of Edmund Burke, who said to the Electors of Bristol on the 3rd November 1774: "Your representative owes you, not his industry only, but his judgement; and he betrays instead of serving you if he sacrifices it to your opinion."

This depicts a world where members of parliament have been elected for their superior judgement, by people with inferior opinions who are best served by their betters. It is alarming to find that Burke's opinions, expressed in Britain over 200 years ago in quite different circumstances, are considered relevant to Australia today. Possibly in Burke's day, with an illiterate, ill-informed public, there was some justification for the way he saw his role; but there is none today. Burke's views are a denial of representative democracy and a recipe for political arrogance: a treacherous downward path in the exercise of political power. Autocrats make the same claim.

Burke also held that political office is "*a trust from Providence*", which is an appalling denigration of the universal adult franchise. The democratic system is essentially secular. The notion that voters choose as their representatives people who are to be guided in what they do by what they think a deity requires of them, rather than by those who elected them, substitutes a version of theocracy for democracy.

The exercise of a conscience vote enables individual representatives to dissociate themselves from what they personally disagree with, but it still has to be reconciled with representative democracy. Those whose personal or religious conscience puts them at odds with their constituents should abstain from voting. To do otherwise is knowingly to thwart the will of the electorate and it is hard to see how the conscience of an elected representative can condone that.