



## CONSCIENCE AND LEGISLATIVE BEHAVIOUR IN A TWO PARTY STATE: THE CASE OF MALTA

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### Abstract:

In democratic political systems, it is agreed that the political behaviour of Members of Parliament (MPs) is governed by ideology and party lines, except when matters of conscience arise. Such situations, often the case of moral dilemmas, render political behaviour unpredictable (outcome is uncertain), disruptive (legislative programmes can be derailed) and chaotic (party discipline is disregarded). This paper presents results of a study carried out in the Maltese Parliament. Using a qualitative approach, sitting and former MPs, give their account on how conscience informs their parliamentary behaviour. The evidence from this study shows that conscience matters not only in highly-contentious ethical policy questions. Indeed, conscience is a multi-faceted driver of individual political behaviour shaped by a complex interconnection of values, norms, tradition, cultural and ideological traits. More often than claimed, it can enable or hinder the MPs' link with both political parties and the electorate.

**Keywords:** conscience; morality; Malta; two party system; loyalty, free vote

### 1. Introduction

*"But if the time should ever come — and I do not concede any conflict to be even remotely possible — when my office would require me to either violate my conscience or violate the national interest, then I would resign the office; and I hope any conscientious public servant would do the same."* (Senator John F. Kennedy, 12 September 1960)

Freedom of conscience is a right protected by Article 9 of the European Convention on Human Rights Freedom of thought, conscience and religion (Murdoch 2012, Renucci 2005). Whether it is conducive to virtue or vice, individual conscience constitutes one's moral judgment that impinges on choices made and decisions taken. The significance of this entitlement resonates wider when conscience is exercised in the public arena, notably

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by politicians, the judiciary, and leaders of religious or non-government organizations. The initial premise of any Parliament is that it is a representation of the electorate, or rather, a heterogeneous community that holds different beliefs and opinions, which ultimately are transposed to the House of Representatives. This holds true for representatives themselves, commonly in agreement with the party platform they run on, according to agreed party manifestos, but exceptionally at odds when moral issues that have a bearing on their conscience occur. According to Cowley (1998, 1), conscience refers to the 'sense of right and wrong that governs a person's thoughts and actions' where moral issues are concerned with the 'distinction between good and bad or right and wrong behaviour'.

When public policy and morality intersect, the decision-making process is likely to be characterized by sentiments that are conscience-driven (Mondo and Close, 2019). The range of morality issues revolves mainly around the right to life (where absolutist positions are more prevalent), and to a lesser extent, the way life ought to be lived (relativist but mostly culture and tradition driven). Right to life issues include capital punishment, abortion, euthanasia, stem-cell research, contraception, and war. Issues on how to live life would include sexuality, marriage equality and related rights (LGBTIQ), but also the intersection of personal freedom, exploitation and human dignity, such as the decriminalization of prostitution. Both categories 'do not normally fit the classic political conflict between left and right' (Engeli 2012, 1) and invariably come in conflict with religious values. The only way conscience is freely exercised is when political parties (whether in government or opposition) give a "free vote", thereby releasing their representatives from their partisan obligations.

In this study, we look at how conscience in Malta has, since 2010, been a source of contentious politics. This period in Maltese history ushered in an unprecedented sequence of civil reforms, that not only changed the political landscape but also challenged some of the conventional thinking on morality issues. For the purposes of this paper, we take an individual perspective of conscience, discern the nuances behind its interpretation and apply it to the way it has governed the behaviour of legislators in the Maltese Parliament. Do MPs vote according to conscience? If conscience and party loyalty collide, which one prevails? This Paper is structured in three main parts. First, we conceptualize conscience, as a unique and consequential variable that determines political behaviour. In the second part, we operationalize conscience by carrying out an investigation. We explain the research methodology adopted to seek answers from local political players, active and retired. In the final part, we report the findings and their significance.

## **2. A Conceptual Framework**

Members of Parliament are the nexus between people and their governments, or rather, the articulation and aggregation of interests in a pluralist society. In a democracy, we accept that this representation is legitimate, yet it is called into question when legislative behaviour is not reflective of the MP's constituency or political party direction. The root

of discord is the individual conscience, or as Iwuagwu (2018, 22) calls it, the 'subjective dimension of morality'. Whereas what MPs regard as appropriate and inappropriate can vary (see Allen 2008), largely due to new standards and norms that acquire shape over time, we are led to believe that conscience plays a role in defining the individual parameters of proper and improper conduct, a "normative barrier" as von Beyme (2002, 81) calls it.

So, what really defines conscience? How does it determine one's conduct as a legislative actor? To answer this, we need to decipher what informs conscience. Existing research does not find a strong relationship between Church influence and Parliamentarians (for e.g. in Australia see Donaghey and Galloway, 2011). Bîrsan refers to conscience as 'a more sophisticated and structured product than an individual's thought' (Massis, T., and Pettiti, C. 2004, 52 and Renucci 2005, 14).<sup>ii</sup> This sophistication breaks the mould of traditional behaviour that sees political parties as unitary actors (uniformity and conformity). According to Adonis (1990, 46), 'so ingrained is party loyalty that a hostile vote is normally given only in the secure knowledge that it will not put the government in a minority'. Freed of party discipline, parliamentarians reveal so much more of their own personal values and thinking about contentious issues (Warhurst 2008, 580). This is why the selection of "free votes" by political parties is in itself of interest (Ohmura 2014) – we understand which are the issues for which freedom of conscience is considered important.

The defiance of the Whip in the history of Maltese Parliament is a rare occurrence. Intra-party loyalty is high, and given the entrenched two-party system, room for manoeuvre and coalition making is inexistent. The existence of both 'free votes' and the rising propensity for back-bench rebellion has implications for the relationship between constituents and their MP (Pattie 1994). When the MP's individual position is not aligned with that of the political party, a number of problems could arise. First, political parties do not take dissent lightly. Dissent and rebellion could destabilize the political leadership (Kam 2009, 9), and although remedies are sought to quell dissent (Cowley 2002, and Stuart 2018), 'allowing a conscience vote is a pragmatic way of addressing divisive policy questions' (Ross et al. 2009, 123).

According to Rush (2005, 67), the roles of a MP are three: i) *partisan* (supporting the party in debates, committees and voting); *constituency* (representing the interests of the constituency); and *scrutiny* (assessing proposals, examining legislation, examining expenditure and checking on policy). Each role requires tact and skill, but is fulfilled according to the MP's commitment to the role, which ordinarily is expected to follow party instructions with loyalty and dedication. In each of these roles, but mainly in 'policy advocacy', which in Searing's study (1994) ranked as highest in preference by MPs, whether in government or opposition, conscience is exercised.

One way of conceptualizing an understanding of conscience is through the lens of jurisprudence and philosophy of law. While the distinction between the political and legal arena needs to be kept, MPs are law makers par excellence. Aquinas' proposition in

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<sup>ii</sup> Corneliu Bîrsan was a Judge appointed by Romania to the European Court of Human Rights (1998-2013).

*Summa Theologiae*, that conscience is a pronouncement of the mind that applies knowledge to individual cases, entails that conscience is an act that proceeds from 'power within the self' as an 'operation shaped by habit' (Lees, 2008). Conscience is therefore not an independent variable, and its use in political behaviour can be facilitated by Dworkin's theory of legal reasoning. Dworkin challenges the legal positivism that the 'judges should strictly apply the law without the imposition of their own moral convictions'. In developing the doctrine of 'Law as Integrity', Dworkin argues that 'each part of the legal phenomenon - procedure, principles, concepts, values, and so forth is a product of interpretation.'

According to Finnis (2011), following one's conscience is one of the basic requirements of practical reasonableness. However, the mere subjective nature of conscience does not mean it should be shielded from scrutiny (Iwuagwu 2018, 22). This would lead to what he terms the "*privatization of conscience*" or rather the situation 'when one sees his conscience as a supreme judge and the subjective rulings of his conscience as absolute.' The risk is that one renders himself only accountable to himself and not to others 'leading to both ethical subjectivism and ethical relativism, which disregards objective moral norms.' But what if political parties disregard objective moral norms, and their representative MPs are in conflict?

### 3. The Maltese Political Context

Since the election of 1966, general elections in Malta have retained only two political parties in Parliament; the Malta Labour Party (MLP), which would later become *Partit Laburista* (PL) and *Partit Nazzjonalista* (PN). This duopoly persists with both parties winning six elections each since the country gained Independence (1964). The reinforcement of a bipolar political system has made it almost impossible for a third party to garner seats; conversely, it brought about security of legislative tenure.<sup>iii</sup> As Hanson (1964, 280) argued, a 'disciplined two-party system has given us stable, long-term governments, committed to more-or-less coherent policies.' The implicit assumption is that the Maltese voter gives a high premium to party loyalty. The rate of success of candidates who overtly challenge party lines, switch parties, or run independently is very low.

For 50 years, the two parties sparred over politics and policies with two main historical events that carried national significance: Malta becoming a Republic (1974), and the entrenchment of neutrality in the Constitution (1987).<sup>iv</sup> The dynamics of the two developments were different, but both milestones had national and individual sensitivity when being passed in Parliament. Whereas Membership of the European Union (EU) split the country in two, sitting MPs toed respective party lines. Accession to the EU did

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<sup>iii</sup> Only one legislature (1996-1998) ended prematurely when the party in government with a one seat majority lost a confidence vote. This happened again (2008-2013) but government took the whole term of office.

<sup>iv</sup> In 1974, Prime Minister Giorgio Borg Olivier gave a free vote for the new Constitution that would see Malta become a Republic. He was part of a minority that voted for Malta to remain subject to the Crown.

however, elicit for the first time a different type of discourse on liberal reforms that ought to be considered. Topics that were previously considered unthinkable would now be tabled for discussion. Civil Society, through Non-Governmental Organizations (NGOs), would play (in favour or against) an essential role in debating these issues, elevating them to national prominence. In this sense, the divorce referendum (and subsequent legislation) is to be considered a watershed moment in introducing civil reforms in the country, which would lead to conflicts of conscience.

Since Independence, a free vote has scarcely been granted. The divorce vote of 2011 was a significant milestone (not only because it was the first vote as a direct result of a private members' bill) as it set a new momentum to initiate a national dialogue on erstwhile unapproachable subjects. The vote was divisive, and while several MPs declared that they would vote according to the mandate given by the Referendum (53.2% voted in favour<sup>v</sup>, Prime Minister Gonzi insisted that the referendum "*had not neutralised MPs*" and "*had not removed their conscience.*" Taking stock that the numbers were sufficient for legislation to pass, the Prime Minister voted against, a position "*dictated solely by his conscience*" invoking the oath of office to perform his duties "*faithfully and conscientiously*" and "*without fear or favour*".<sup>vi</sup>

In the newly adopted Statute, the PN made a proviso for when such situations arise "*On matters that involve conscience or personal beliefs, the Parliamentary Group might allow its Members to exercise a free vote*" (para. 115(4)).<sup>vii</sup> The room for manoeuvre (for MPs to act outside / apart from party lines) in Malta remains low. Former Minister Lino Spiteri retorted that 'the vote and democracy should not be for sale' and 'a party candidate elected on the party ticket is bound by the party programme' (2012). The examples of party MPs reneging on their own positions are not uncommon, but collegiality and loyalty in Parliament are rarely compromised. Unlike other chambers with the Westminster Model, the Speaker of the House cannot determine whether a Bill carries a conscience issue – the prerogative remains with the political parties.<sup>viii</sup> Moreover, the public reaction to the conscience vote still needs to be tested. The electorate may be

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<sup>v</sup> Electoral Commission, <https://electoral.gov.mt/ElectionResults/Referendum?year=149&v=null>, [Accessed 10 January 2021]

<sup>vi</sup> "PM votes against divorce 'according to conscience, without fear or favour'", Times of Malta, 1 July 2011, <https://timesofmalta.com/articles/view/pm-votes-against-divorce-according-to-conscience-without-fear-or-375379> [Accessed 25 February 2021]

<sup>vii</sup> Dr Adrian Delia, PN Leader (2017-2020) Dr Delia gave MPs a free vote on a Gender-Based Violence and Domestic Violence Bill (2018) and for the amendments of the Embryo Protection Act legislating embryo freezing (2018).

<sup>viii</sup> In the New Zealand Parliament, the Speaker can consult the Parliamentary Business Committee to determine whether the House should treat a decision as a conscience issue. If the Speaker thinks that a decision for the House should be treated as a conscience issue, then the Speaker can permit a personal vote to be held on the matter. New Zealand Parliament (Māori: Pāremata Aotearoa), "A matter of conscience: Voting on conscience issues", 13 Dec 2017, <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/fact-sheets/a-matter-of-conscience-voting-on-conscience-issues/> [Accessed 5 Feb 2021]

willing to accept dissension fully knowing that there are no consequences, albeit it might evaluate the implications of such an act, and reduce its support just the same.

#### 4. Methodology

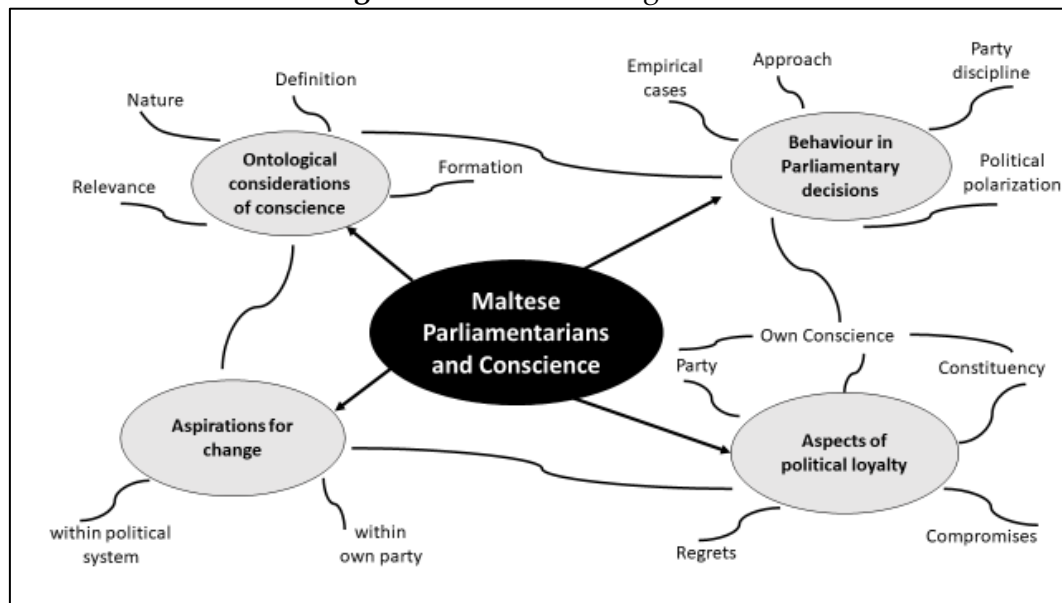
Fieldwork investigation was originally designed as a mixed-data strategy embracing a questionnaire targeted to serving MPs at the time of the research and semi-structured interviews with former MPs. Once approval was granted by the Office of the Speaker of the House, all of the serving MPs were presented with a self-completion questionnaire, while the Association of Former MPs was contacted to invite its members to participate in the qualitative part of the fieldwork. Given that only 10 out of 67 serving MPs filled in the questionnaire, amounting to a response rate of 14.9%, no meaningful statistics could be extracted. Consequently, the onus of the primary data rests on interviews with MPs. Four serving MPs and seventeen former MPs accepted the invitation to participate; seven from PL and fourteen from PN. Interviewing sessions were conducted in Maltese in 2020 via online platforms. From an ethical stance, participants were assured of strict anonymity and, thus, they are coded as MP1, 2, 3, etc, without referring to their political alliance.

Interviewing sessions followed a structured approach that allowed for in-promptu probing to further inquire into arising issues at further depth. The first set of questions encapsulated an ontological dimension comprising definition, formation and relevance of conscience to the MP. Eventually, interviewees were asked about their experiences and decisions in Parliamentary life as well as their bearings on loyalty; thus shedding light on behavioural aspects. Finally, they were invited to share aspirations for change within their own party and the Maltese political system; consequently, expounding on idealistic perceptions. Using Braun and Clarke's (2006) six-step approach to thematic analysis, conversations were recorded, transcribed, coded, themed, reviewed and redefined.

As exhibited in Figure 1, this analytical process yielded four interrelated themes, namely:

- 1) ontological considerations of conscience,
- 2) behaviour in parliamentary decisions,
- 3) differing foundations of political loyalty, and
- 4) aspirations of change.

**Figure 1: Thematic configuration**



Source: Mario Thomas Vassallo (2025)

Each theme is treated distinctly in the coming sections, wherein *ad verbatim* quotes are woven into the narrative. By their very nature, direct quotes are considered as evidence and, at the same time, as illustrations of emerging themes; thus, deepening the readers' understanding of the phenomenon under investigation (Corden and Sainsbury, 2005).

## 5. Ontological Considerations

The ontological foundations of conscience provide a conflictual playground where some interviewees sustain that it is absolute and fixed over time, while others claim that its nature is socially constructed and, consequently, it evolves and changes. On the one hand, the former maintain that conscience is built on age-old principles that are applicable to all irrespective of any time or space constraints and on the other hand, the latter opined that moral and ethical principles differ among people, cultures and different epochs. From an ontological perspective, these two conflicting viewpoints demonstrate that Maltese MPs are not in tandem on the true nature of conscience. Some are anchored in an absolutist stance,

*"The principles regarding ethics in politics are universal, as are temptations too."* (MP3)

*"Conscience embodies principles that are absolute for all. It is not relative."* (MP18)

*"I have been brought up within a Christian society that provided us with a moral compass that does not change in accordance with where the winds blow."* (MP21)

Others are more liberal as they rely on a relativist perspective. Although they do not subscribe to absolutist doctrines, they still yearn for a degree of utopian comfort which would set common benchmarks when differentiating between good and bad, right and wrong.

*"Conscience is personal, relative and matures over time. Not everyone's conscience is the same, but I believe that it should be." (MP10)*

*"Ideally, conscience should not change. I believe in absolutism in this regard. However, the developments around us make me start to doubt this. There is room for change in my moral judgement, particularly when I am not aware of information for which I did not have prior access to." (MP6)*

*"Conscience is relative, but then there are certain red lines that entail an absolute approach as in the case of abortion." (MP19)*

Notwithstanding the differing views on the true nature of conscience, all interviewees stressed the necessity of determining a set of mutual understandings on what is acceptable or not. Their differences pivot on incompatible ontological positions; some maintain that the mutuality of common understandings is a realist phenomenon which holds *"the view that entities [or ideas] exist independently of being perceived, or independently of our theories about them"* (Philips 1985: 205), while others aspire for a shared moral compass in a pragmatic environment where judgements and beliefs are all socially constructed.

When asked to define conscience, MPs brought up a concoction of ideas, concepts and elements. Some claimed that the Western conscience is rooted in the Christian faith, while others expressed their convictions engrained in the rational element. Then there are those who see no conflict between religion and rationality because they maintain that both contribute to the formation of conscience. Those who converged on the centrality of the Catholic faith were adamant on their principles but, at the same time, flagged out their independence from the Catholic church.

*"I have always vouched for my Christian values without fear or embarrassment." (MP1)*

*"Experience taught me that those who are Catholics are more alert [on moral judgement], however I did encounter others who although they do not profess Catholicism, they are nonetheless scrupulous on matters of conscience." (MP3)*

*"My conscience is shaped by religion but it is independent from what the Church says." (MP10)*

*"My conscience is built on the Christian values which are the pinnacle of human value." (MP20)*



The parliamentarians who voiced a definition embedded in rationality converge on a number of elements, including social constructivism, individualism and the privatisation of moral judgement.

*"Conscience is a voice within me that wants me to do good and reject what is bad. A moral voice that helps me in my choices." (MP4)*

*"For me, conscience is neither God's voice nor does it belong to any religion. It is indeed the inner me which always seeks the way things should be done. Conscience helps me eliminate confusion when I need to make a decision." (MP5)*

*"Conscience is the collection of the experiences I have gone through and which therefore shaped my rationality. It is sort of an internal tribunal." (MP13)*

The latter opinions are typical of a post-ideological and religious society wherein the idea of conscience hinges on one's own individual choices. Pragmatic choices are made in accordance with the ever-changing circumstances where the parameters of moral decision-making are always in a state of flux rather than carved in a political manifesto or a pious creed. The contemporary political terrain seems disconnected from any ideological, religious or scientific frameworks and, instead, it is grounded on one's own 'internal tribunal' that rests on acquired knowledge through social interactions and issue politics.

Despite ontological differences comprising the nature, formation and definition of conscience, all respondents agreed that moral judgement is crucial for any parliamentarian. Some stressed that conscience is necessary to curb corrupt practices associated with the misuse of power, others spoke about its relevance to the assertion of the common good, and a few others highlighted the need to rely on conscience when arbitrating among conflictual interests stemming from society.

*"If you want to be fair and honest, conscience is everything. Conscience is not a [political] ball." (MP1)*

*"Conscience is very relevant because it guides you towards what is right and what is wrong. As a politician you're surrounded by temptations and conscience doesn't allow you to give in to them." (MP18)*

*"[Conscience] helps the MP to respect truth when taking decisions, whilst steering between different voices. The loudest ones are not necessarily the right ones; conscience helps the MP weigh in all interests." (MP12)*

*"Conscience does not let the MP be self-indulgent. It helps him decide on what is right for others." (MP19)*

*"Democracy, as a system, is fragile. It can be corrupted by ill-fated politicians. Conscientious MPs are the guardians of democracy, human dignity and the common good."* (MP 21)

In the next group of findings, research subjects expound on their behaviour in parliament, particularly in those instances where they had to rely on a moral judgement that was in conflict with the party line. Their approaches and actions are uncovered within a political terrain characterized by *"the purest two-party system"* (Cini 2002), wherein the state is *"politically divided, floating between two mutually exclusive concepts"* (Friggieri 2008, 57).

## **6. Behaviour in Parliamentary Decisions**

All participants acknowledge that an institutional environment delineated by 'intransigent polarization' is the greatest obstacle for an MP to vote against the party line on the basis on conscience. MPs 5 and 18 ended their political career because political polarization 'infringed over their freedom of thought', whereas MP 20 compared the two major parties as 'brothels where politicians prostitute themselves to party discipline without being allowed to distinguish between good or bad'. Others expressed hopelessness on whether such a 'tribal' political landscape could ever be reformed because 'if one decides to lessen political polarisation, he would be another Don Quixote [assaulting windmills]' (MP13). However, as MP19 observed when citing the Italian case, a polyphonic political scenario is not in itself a guarantor of freedom of thought because 'there are doubts as to what extent Italian MPs exercise their moral judgement [in parliamentary decisions]'.

Certain MPs who defined themselves as adamant on their ideological convictions perceive no contradiction between their political creed and conscience. MP 13 recounts that he has 'never suffered a crisis of conscience in all the years' he has served as an MP because the Party manifesto was always in line with what he believed was right and just. Likewise, MPs 3, 4 and 21 sustain that they do not have any regrets, given that all the laws they proposed, or voted for or against, they had to pass through their own conscientious scrutiny without trespassing party loyalty. When specifically asked whether they ultimately towed the party line when it came to voting, or whether they voted according to their conscience and went against the directives of the Whip, the reactions were mixed. Few said that if they felt that the proposed law went against their fundamental principles - or the red line - then they had no qualms going against the party discipline. Others said that it is hard to challenge party discipline and, consequently, voted according to the party line but eventually opted not to contest the following election. They also mentioned that within a deeply polarized political terrain, constituents do not support their representatives when the latter challenge party discipline. The people expect their representatives to always be in sync with the party. The following quotations illustrate these sentiments.

*"When, during discussions, I voiced an opinion that went against the party line, some people became suspicious of me. Within the Party the tendency is l-ewwel iċapċpulek u wara jċapċpuhielek! [First, they applaud you, then they stab you in the back!]" (MP5)*

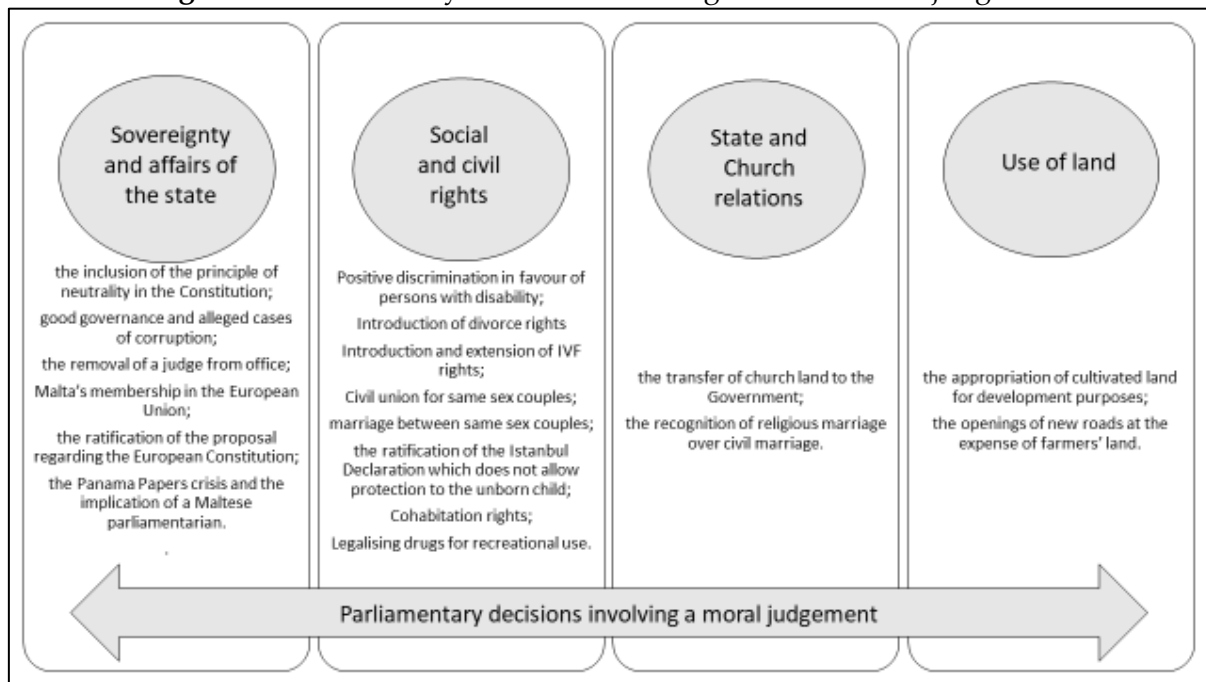
*"A crisis of conscience is more likely to arise within the confines of the Party rather than in Parliament. When you stick your neck out within the Party to really defend something you believe is right, there's a high risk you'll find someone trying to shoot you down." (MP14)*

*"I did not want to go against the will of the people expressed in a referendum nor did I want to go against my conscience. I made a compromise and abstained. I absolutely do not regret acting that way." (MP6)*

*"As an MP, I did not feel free. It's obvious! You have to toe the party line. Otherwise, you'd end up being ridiculed and, ultimately, even your family ends up suffering the consequences. I had to vote against what I felt was right and that was when I decided to leave politics and not contest another election." (MP18)*

Interviewees mentioned specific cases where conscience played a part in influencing their behaviour in parliament. The cases that have been cited, as exhibited in Figure 3, are categorised under four themes. The first relates to cases related to sovereignty and other state affairs, including constitutional decisions featuring neutrality, EU membership, sanctioning of members of the Judiciary as well as corrupt practices involving the Panama Papers. Category 2 lists the cases that are normally mentioned when matters of conscience are at stake, particularly legislative processes featuring social and civil rights pertaining to positive discrimination vis-à-vis persons with disability, LGBTIQ and cohabitating couples, laboratory fertilisation and drug legalisation. Within this category, there is the inclusion of the objection against ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention, on the basis that it does not safeguard the rights of the unborn child. Given its Catholic tradition, which is enmeshed within Malta's political and cultural fabric, legislative measures that affect State-Church relations are always contentious. Consequently, some of the interviewees referred to instances involving the transfer of church land to the government or the recognition of religious marriage over the civil one. These cases have been listed in category 3. Finally, category 4 refers to those cases where MPs felt the need for conscientious decision-making in cases involving the use of land, for example, when authorizing development in agricultural land or the opening of new roads at the expense of the farmers. In all the cases mentioned under each category, MPs admitted that they had to make a moral judgement, despite the fact they were rarely given a free vote by their party.

**Figure 2: Parliamentary decisions involving a conscientious judgement**



Source: Mario Thomas Vassallo (2025)

The different sets of cases cited by interviewed Parliamentarians is a testimony that conscience matters not only in controversial ethical policy questions, or as certain MPs referred to as 'red lines' as in the case of social and civil rights but also in other spheres of decision-making involving good governance, sovereignty, church-state relations and land use.

## 7. Differing Foundations of Political Loyalty

Loyalty plays a crucial role in Parliamentary behaviour. In a democracy, MPs are representatives of the people and, thus, they should be loyal to the needs and aspirations of their constituencies. In parallel, MPs are expected to abide by party discipline and follow the direction promulgated by the party whip in Parliament, given that they embark on the party platform to contest the elections. At the same time, MPs are individuals who, like the rest of society, have the right to exercise freedom of thought and conscience. To this effect, interviewees were probed on whether they rank their loyalties to constituency, party and conscience in any form of priority or if they adopt a more pragmatic approach when they are expected to vote in Parliament. Some expressed their view that they have never experienced any incompatibility among the different foundations of loyalty.

*"One should always vote according to one's conscience. I have always found my inner thoughts compatible with the party's policies."* (MP2)

*"The foremost loyalty is towards what is right. The second priority is the ministerial responsibility, particularly towards the people for whom I was responsible. But I never felt that these sets of loyalties were in conflict."* (MP4)

In line with their conviction, such MPs recounted that they have no regrets about whether they could have behaved or voted differently in Parliament.

*"I feel at peace in front of God and the people because I have always been conscientious in my conduct."* (MP2)

*"I had my own doubts but not regrets. There were times when I had to discuss issues with close friends to probe my own thinking."* (MP4)

*"Whenever I had a different opinion, we always had the opportunity to discuss it within the parliamentary group. It was all about persuasion, not imposition. I don't have regrets."* (MP12)

Others conveyed a sentiment of uneasiness as to whom they ought to attribute the greatest loyalty. They hinted that 'issue politics' does play a strategic role because on certain topics which they define as 'red lines', they would rank loyalty to conscience as top priority, while loyalty to party discipline gains precedence in the rest of matters.

*"For me, it is a constant struggle. Between the party, the constituents and my conscience; the priority depends on the issue. Where there is an issue that borders the red line, conscience comes first."* (MP10)

*"You must be loyal to the party, but you must not be afraid to take a stance on the basis of conscience. The important thing is that others know where they stand with you and know that you are honest and not approachable because you are amoral."* (MP14)

*"Personally, speaking loyalty towards my conscience comes first, however, you must make compromises. I had to make some compromises, but each time I made a compromise I felt uneasy. I wasn't comfortable."* (MP18)

The idea of 'compromises' acquired centre stage during the interviews. Participants expressed differing normative attitudes towards compromises. Some regard them as a travesty of what is right and just. MP10 rejected the very existence of compromise and, instead, proposed an alternative terminology.

*"I don't use the word compromise, but reflection and consultation to help me understand a more holistic view of the situation."* (MP10).

*"When it comes to truth and moral correctness, there is no space for compromises."*  
(MP20)

*"Compromises are not nice. I have never made any compromises in my political life, but I do have reservations."* (MP21)

Others are more disposed to reach a compromise because they believe that dogmatic behaviour is not congruent with party politics. Bargaining and negotiation are at the core of political life and, thus, compromises are only natural and necessary in parliamentary settings. In tandem, they still advise caution because compromises can lead to apprehension and the loss of inner peace.

*"In politics, you cannot do away with compromises."* (MP6)

*"Compromises are present in all spheres of life, including politics. We need them in order not to be in eternal conflict with those around us."* (MP19)

*"If politicians want to survive, they need to compromise. Whenever I had to compromise, I did not feel comfortable. Towing the party line secures survival."* (MP18)

*"In some cases, you can make a compromise, and in others, you cannot, particularly when it comes to red lines. In itself, a compromise is not wrong, but when faced with something inherently wrong, you cannot make any compromises."* (MP5)

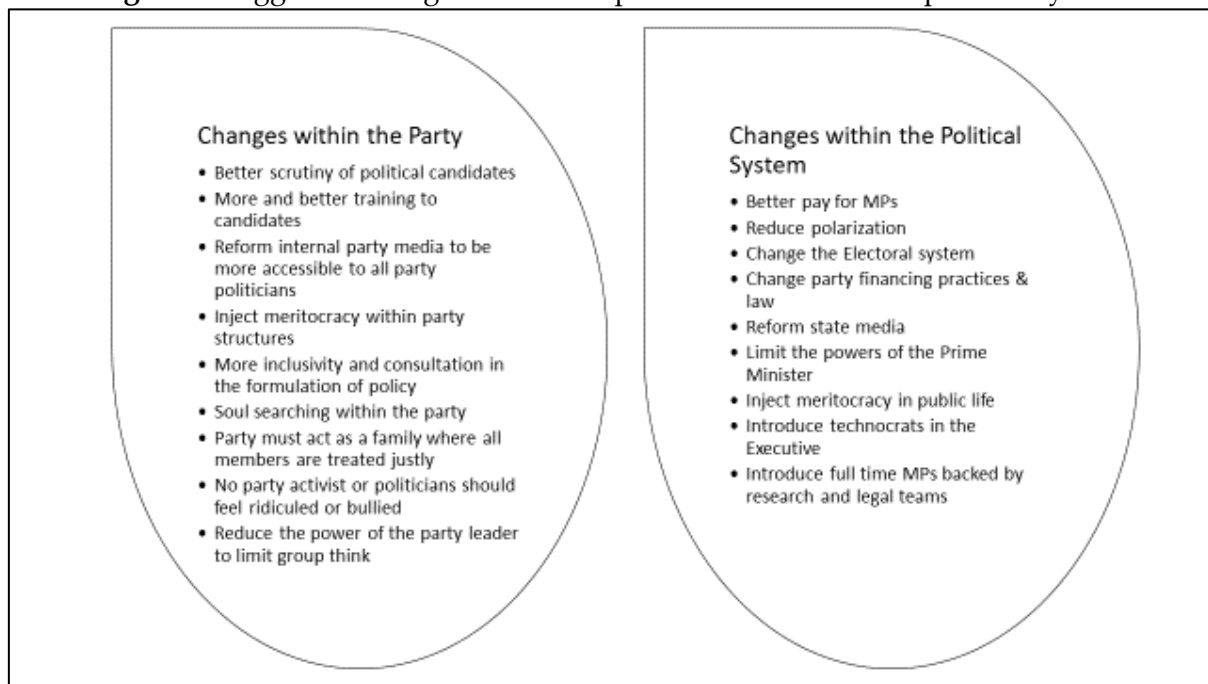
The narratives in this section expose both convergent and divergent experiences. All interviewees expressed their commitment to devise their loyalty among the expectations of the people who elected them, as well as to the party whip who sets direction on voting behaviour. While some see no contradiction between their political creed, the observance of party discipline and loyalty to their own conscious, others vented discomfort because they had to compromise their inner thoughts on what is right or wrong to retain their parliamentary seat.

## **8. Aspirations for Change**

The last set of findings is reserved for the idealistic aspects, wherein research subjects were asked about the changes they wish to make within their own party, as well as in the domestic political system. Responses were diverse, but cross-cutting themes and patterns can be observed, as can be observed in Figure 3. The call for greater scrutiny and rigorous due-diligence prior to accepting a candidate for elections was the most cited call for change within the parties (MPs 6, 13, 14, 15). Likewise, MPs 2, 3 and 13 are adamant on the need that candidates should be adequately trained before contesting for office. MPs 6, 7 and 11 appeal for greater meritocracy within party structure, whereas MPs 4 and 18 are either dissatisfied with the current practice of how party leaders are chosen from all

party members or want to limit the power of the leader who tends to dominate the internal debate; thus stifling dissent and creativity. Others, including MPs 4 and 19 suggested that party media should be reengineered because the party elites can use it to disadvantage certain party politicians at the expense of those who are awarded more exposure. This unfair treatment among politicians of the same party is further expounded by MP 20, who appealed for the party to become like a ‘family’ where everyone is given the opportunity to participate and contribute without, as MP6 sustained, ‘being subjected to ridicule and bullying’.

**Figure 3:** Suggested changes within the parties and the Maltese political system



**Source:** Mario Thomas Vassallo (2025)

The aspirations for changes within the Maltese political system were likewise varied. The two most mentioned are to change the present electoral system based on the Single Transferable Vote (MPs 6, 13, 19) and the need to de-escalate political polarization (MPs 5, 15, 19). A change in the electoral system would lead to (a) lesser hostile competition between candidates of the same party, or as MP 19 to ‘eliminate Brutus behind your back’; and (b) enhance the possibility for the small parties to elect their own MPs, thus taming the two-party system that has engulfed the Maltese political landscape since independence. Others mentioned the need to reform the media landscape in Malta, including the national broadcaster as well as the television and radio stations owned of the two parties, which continuously refuel polarisation and political tribalism among the local population.

The large majority of those interviewed advocate that MPs, including those who form the Executive, should benefit from better salaries because their current pay structures are ‘simply ridiculous’. Similarly, MPs should start to be assisted by research and legal personnel so that they can ameliorate their deliberative contribution when

debating new legislative proposals. MPs 4, 7, 12 and 14 proposed that MPs should be full-timers, thus reducing the possibility of conflicts of interest. Few others pondered upon stricter regulations on party financing to 'liberate' politicians from the malignant influences of business magnates, with the understanding that MPs would then be 'freer' to make conscientious decisions. Finally, there were others who advocate for more meritocracy in public life, as well as the inclusion of technocrats in the Executive branch of the state to ensure an orientation towards evidence-based policy rather than compromised decisions based on electoral considerations and special interest groups.

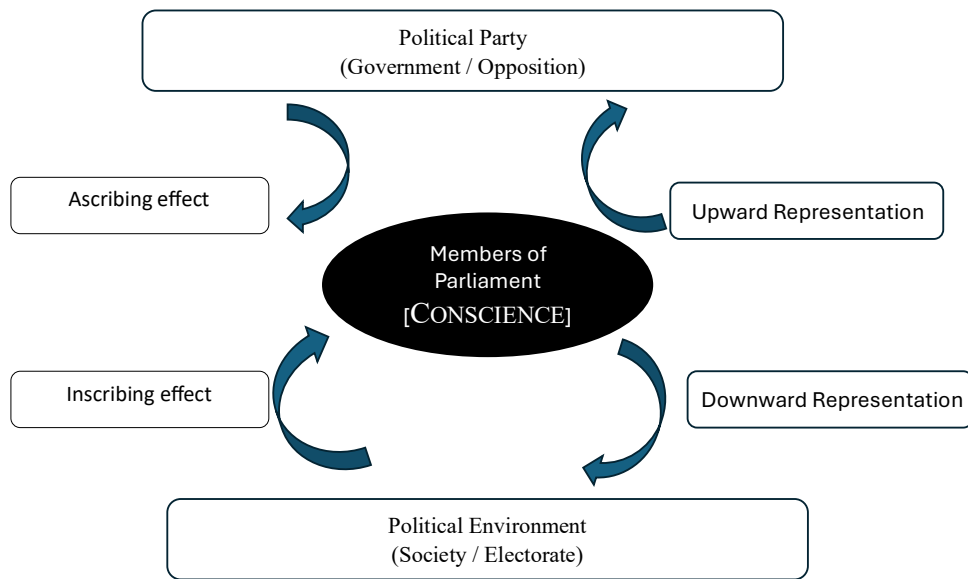
## 9. Discussion

While it is often seen as a democratic and ethical safeguard, the 'free vote' practice presents a number of dilemmas in parliamentary systems that balance party loyalty, representative responsibility, and individual conviction. At the heart of the dilemma is the conflict between personal integrity and party discipline. Members of parliament (MPs) are typically elected on a party platform, which implies a commitment to supporting the party's positions. However, issues that touch on deeply personal or moral questions – but also others that State/Church relations and land use - may compel MPs to act according to their individual conscience, especially when these positions conflict with the party line. In such cases, MPs face the difficult choice of staying true to their beliefs or maintaining party unity. In their own words, they would need to be prepared to be 'ridiculed', 'bullied' and, even, ostracised, from their own parliamentary group.

This tension is further complicated by the concept of representative democracy. MPs are elected to represent the interests and views of their constituents, not necessarily their own. Voting according to conscience may mean that an MP disregards the will of their electorate, leading to accusations of elitism or disconnection from public sentiment. On the other hand, always voting in line with constituents' preferences can reduce complex moral and ethical decisions to mere populism. Figure 4 maps out the various vectors of tension that MPs have to handle, resulting from the fieldwork of this research.



**Figure 4:** Vectors of MPs' tensions



**Source:** George Vital Zammit, 2025

Both upward and downward tensions are at play, at times, concurrently, while at other more tame times, separately. MPs need to articulate the wishes and aspirations of the people through the inscribing effect, thus influencing the party agenda. At the same time, they need to download the party's decisions – the ascribing effect – to align public perceptions with the policy parameters set by the party establishment. However, MPs are not mere party conveyor belts that transfer ideas and policy decisions from the party to the electorate and vice versa. The terrain becomes problematic when MPs feel that they need to bring their own conscientious metric within such a political dynamic. The moral compass may be in synch with the party line, but it can be diametrically opposite. The latter would entail some form of upward representation wherein the MPs try to amend party direction through interventions within its internal structure and, in very rare cases, by voting against the Party Whip in Parliament. Furthermore, MPs who are preoccupied because of their own conscious also need to communicate within the wider political environment, by reaching out to constituted bodies, social partners, civil society and the electorate. This research showed that such tensions can really be problematic and have the potential to end one's own political career. Other MPs presented us with a different narrative. They choose to suppress their conscientious reservations, evade severe criticism and sanctions from within the party and the electorate and, eventually, move out of the political scene by not contesting in future elections.

Party leaders in Malta, in a strictly two-party parliamentary setting, often discourage votes of conscience because they threaten internal cohesion and discipline. Strong party discipline ensures coordinated policy implementation and a stable government, especially in the Maltese parliamentary system, where the 'winner takes it all'. In a two-party system, it is always a game of 'us and them' with little scope for

negotiation, mediation and coalition building. Allowing votes of conscience, according to the electorate, may fracture party solidarity, embolden dissent, and weaken the government's ability to pass legislation; thus rendering MPs' free will heavily compromised, if not annihilated.

## 10. Conclusion

The verdict on conscience votes can be diametrically opposing. It can be seen as either an example of 'democracy at its best', or a 'blight on the liberal democratic polity' (Jensen 2008, 85). The problem that contemporary elected representatives face is not fundamentally different from the one in previous legislatures. Members of Parliament have had to struggle with issues of conscience since Parliament was constituted - what has gained salience is now the degree and the intensity of this conflict.

This research can be developed further. Conscience can be seen as a transitory factory in the socialization of MPs, 'adapted', 'changed' or 'developed' according to institutional norms and settings. Rather than a solidified and unwavering factor, conscience would adjust one's morality on different issues, according to the social norms s/he is surrounded with. Secondly, conscience can be seen as a determining factor in breaking from or strengthening links with political leadership.

With this study, we aim to fill a gap in the literature of legislative behaviour in Malta. The interpretation and explanation of the conscience vote is complex and profound. Parliament plays a valuable role (in promoting democratic values) when liberated from partisan control, exposing nuanced beliefs that are rarely seen. Our prediction is that contentious moral issues like euthanasia and abortion will land in the Maltese Parliament, not in the distant future. We do not anticipate substantial changes to the behaviour already observed in this paper, but we can ascertain that conscience will again play a fundamental role, irrespective of whether a free vote is given or not.

## Conflict of Interest Statement

The authors declare no conflicts of interest.

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