

Report of the Independent Commission on the Voting System: Volume 2

Submissions from academics

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Dear Ms. McCool,

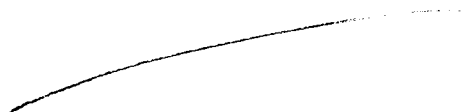
I am enclosing my evidence to the Independent Commission on the Voting System. This is intended to supplement Chapter 3 of my recent book, 'Power and the People: A Guide to Constitutional Reform' which I am also enclosing, as I should like the Commission to be, as it were, officially aware of it. I should be most grateful if you could let me know if this is in order.

I was very glad to have the opportunity of meeting you, albeit briefly, at the conference on electoral reform a couple of weeks ago, and I hope that we may remain in touch on this fascinating issue,

Yours sincerely



Vernon Bogdanor



EVIDENCE TO THE INDEPENDENT COMMISSION ON THE VOTING
SYSTEM.

by
Vernon Bogdanor FBA

(Professor of Government, Oxford University)

1. The Independent Commission is required to recommend a proportional voting system to be put to the electorate in a referendum so that voters can decide between the proposed new system and retention of first past the post.

2. 'Proportional representation' is not the name of a single electoral system, but a generic term for a whole host of different electoral systems with very different political consequences, but the common aim of securing proportionality.

3. The notion of proportionality, however, is not itself uncomplicated. It can mean proportional representation of parties, or it can mean proportional representation of opinion. On many issues, e.g. Europe and reform of the welfare state, political conflict lies as much within as between the political parties. On reform of the welfare state, many Labour MPs agree with the Liberal Democrats. On Europe, some Conservative MPs agree with the approach of the Labour leadership; while many on the Labour Left agree with the Tory Eurosceptics. Currently, under the first past the post system, the ability of the party leadership to exert discipline over its members is limited by the fact that candidates are selected by constituency associations which are broadly autonomous. However, in both of the major parties, Labour and Conservative, stronger central control is being exerted so as to make party discipline more effective. One consequence is that mavericks and independent - minded members are coming to be excluded.

4. Tony Benn is supposed to have told Neil Kinnock that he was opposed to proportional representation because, under such a system, he, Benn, would be 599th on the list, while Dennis Skinner would be 600th. Neil Kinnock is supposed to have replied, 'Do you want that in writing ?' Under a closed list system, Kinnock might well have had the power to exclude such mavericks from the House of Commons. However, any electoral system which served to make it more difficult for maverick MPs such as Tony Benn or William Cash to be elected, would be doing a disservice to democracy. It is salutary to remember that, under a closed list system, Winston Churchill might well not have been a member of the House of Commons in 1940. Conservative Central Office, acting at the behest of the

party leadership, had sought, after the Munich agreement in 1938, to persuade his Epping constituency to deselect him. It was the autonomy of the Conservative constituency association which kept Churchill in the Commons for his finest hour.

5. Under the first past the post system, electors can, in the last resort, remove an MP, even in a safe seat, if that MP becomes enormously unpopular. Thus, voters at Tatton were able to remove Neil Hamilton in the 1997 general election, even though Tatton is, under normal circumstances, a safe Conservative seat. Under a closed list system, by contrast, a candidate nominated by the party machine cannot be removed by the electorate. A Neil Hamilton supported by the party machine would be immovable.

6. Proportional systems can be conveniently divided into those which yield more power to the voter and those which yield more power to the party machine. Many who are dissatisfied with the current electoral system would be unhappy to campaign for a system of the latter type. Therefore, recommendation of such a system would make it more difficult to carry the case for proportional representation in a referendum.

7. Proportionality is, however, only one of the criteria which the Commission is required to observe. The others are:

The need for stable government.

An extension of voter choice.

Maintenance of MP - constituency links.

8. In my book, Power and the People, - relevant chapter enclosed - , and in previous publications, I have argued that the single transferable vote is the system best suited to meeting these criteria. It has produced stable government for many years in the Irish Republic, whose predecessor, the Irish Free State was born, it should be remembered, in conditions of civil war. The Republic, however, has now evolved into a highly consensual society. Moreover, amongst electoral systems, STV offers the widest degree of voter choice, since it conceptually combines a primary election with a general election. The primary election, moreover, is not confined to party members, nor even to loyal party supporters. It is, rather, available to all voters simply through the act of taking part in the election. Furthermore, contrary to the stereotype that large, multi - member constituencies undermine MP - constituency links, the Irish example shows that intra - party competition in fact serves to

strengthen these links. This is because candidates compete against each largely other on the basis of constituency service. Indeed, one of the criticisms of the Irish system is precisely that it makes MP - constituency links too tight, that it is a 'parish - pump', system, in which TDs, all too anxious to curry favour in their constituencies, fail to devote sufficient time and attention to the scrutiny of legislation in the Dail. Whether this criticism is or is not fair, or whether it results from Irish political culture rather than from the electoral system, it is difficult to maintain that STV undermines MP - constituency links.

9. The argument that the single - member constituency makes for good representation is based more on sentiment as on evidence. This is because, as Ivor Crewe has argued, 'discussion about MP - constituency relations appears to border on the 'sacred' part of the constitution. Hard - boiled politicians become almost dewy - eyed about the 'sacred trust' and 'indissoluble bond' between Members and their local constituents'.¹ Yet a Conservative living in Durham or an ambitious Labour politician living in Bournemouth is forced to migrate if he or she wishes to acquire a safe seat. While MPs can acquire a personal vote, good constituency MPs are not often rewarded by the electorate, nor bad ones punished. Moreover, such evidence as there is on constituency size 'fails to show that small size necessarily, or even normally, improves relations: if anything, the signs indicate the reverse'.² Electors living in Greater London, where constituencies are relatively small seem to have less contact with their MP than electors living in far - flung rural constituencies in the south - west. Whether or not there is intra - party competition is a far more crucial factor determining MP - constituency relationships than the size of the constituency.

10. It is, however, believed by many that STV is politically impracticable because senior politicians will not accept the abolition of the single - member constituency, and because they will not countenance intra - party competition at constituency level. Whether that is so or not, STV was, until the mid - 1970s, the system favoured by nearly all electoral reformers. It would, therefore, be a pity if STV did not feature on the ballot paper in a referendum. Were the government to decide against putting STV on the ballot, critics might claim that the decision as to the best electoral system was being determined, not by the people or by those who

1. Ivor Crewe: 'MPs and their Constituents in Britain: How Strong are the Links?', in Vernon Bogdanor (Ed.) *Representatives of the People? Parliamentarians and Constituents in Western Democracies*, Gower 1985, p. 45.

2. Ibid, p. 59.

had campaigned for many years for electoral, reform, but by professional politicians, acting in their own self-interest. One can see why some politicians might not like STV. It might be, however, that the electors would prefer it. The device of the referendum itself implies that it is the people and not the politicians who are to decide upon the best electoral system. That decision ought not to be pre-empted by the political elite.

11. If, therefore, the Commission does not see its way to recommending STV, perhaps it could nevertheless recommend that there be a third choice in the referendum, i.e. first past the post, the recommended system and STV. Voters in New Zealand were in fact allowed a multi-choice option, and decided to reject STV. It would be a pity if voters in Britain were denied the rights enjoyed by voters in New Zealand. It would be strange if, in a referendum designed to elicit the views of voters, the electorate had no chance to pronounce on the only proportional system which has hitherto been used in the United Kingdom, and a system which, until the 1970s, was the favoured one of nearly every campaigner for electoral reform.

12. The remainder of this evidence, however, assumes that the Commission does not recommend STV because it takes the view that multi-member constituencies would be unacceptable. This means that the recommended electoral system would have to be based on single-member constituencies. Proportionality would then be secured by 'topping-up', either through the election of 'best losers', as in the system recommended by the Hansard Society's Commission in 1976, itself based on the electoral system used in Baden Wuerrtemberg; or through a list. Presumably, whichever alternative is chosen, there would be a 5% regional threshold before a party could be considered for 'additional members'. Elections in the single-member constituencies could be either by first past the post or by the alternative vote.

13. There are, therefore, the following possibilities.

- a. First past the post combined with 'best losers'.
- b. First past the post combined with a list.
- c. Alternative vote combined with 'best losers'.
- d. Alternative vote combined with a list.

The list, of course, could be either closed, as in Germany i.e. with no candidate choice, flexible, as in Belgium, with some limited candidate choice, or open as in Finland or Luxembourg, where the candidates are not ordered by the parties at all. For the

kind of reason given in para. 4, it is hoped that, if the Commission recommends a list system it will feel able to recommend the widest possible degree of candidate choice.

14. The alternative vote enjoys one advantage over first past the post. It ensures that the candidate elected in a constituency enjoys the support of a majority of those voting, rather than, as under first past the post, a mere plurality. This is particularly important when, by contrast with the 1950s, there are more than two candidates standing in every constituency in the country. The alternative vote, however, is, under some circumstances, even more disproportional than first past the post. Under current conditions, given that Liberal Democrats are second in far more Conservative seats than Labour, the alternative vote would yield a more proportional result in years such as 1983 or 1987 when the Conservatives won large victories; but a less than proportional result in years such as 1966 or 1997 when Labour won large victories. To the extent that the alternative vote yields a less proportional result, the degree of 'topping - up' would need to be greater.

15. It would perhaps be more difficult to combine the alternative vote than first past the post with the 'best loser' system, since the notion of a 'best loser' makes less sense with the alternative vote. Is the 'best loser' the candidate from the relevant party with the highest percentage of first preference votes in a particular region; or is it the candidate from the relevant party with the highest percentage of votes in a particular region after the votes have been redistributed ?

16. Any of the systems being discussed would of course require larger constituencies unless the Commons were to be enlarged beyond its current 659 MPs. The size of the constituencies would depend upon the extent of the 'topping - up' needed to secure proportionality.

17. The central advantage of 'best losers' is that it avoids the need for a list. Only candidates who have faced the voter would be returned to Parliament.

18. The main disadvantages of 'best losers' are:

- i. Some constituencies would have 2 or 3 MPs while some would have only 1 according to no rationally defensible principle. This would alter the geographical balance of the Commons.
- ii. The system would appear unfair as between defeated candidates. Some 3rd placed Liberal Democrat candidates would probably be elected, while 2nd placed Conservative

or Labour candidates in the same constituencies would fail to achieve election. This might prove difficult to explain to the public, and could lead to the system being ridiculed. It was indeed this feature which led to the best losers system being blown out of the water in the House of Commons when proposed by the late John Mackintosh and Anthony Kershaw as an amendment to the Scotland and Wales Bill in 1977. If members of the Commission have the time to read that debate, they will appreciate the difficulties of selling a best losers system.

iii. By contrast with STV or a list system, it would not be possible, under a best losers system, for the voter to signal coalition preferences.

iv. By contrast with STV or a list system, a best losers system would not help female candidates or candidates from ethnic minorities.

19. Conversely, a list would enable voters to signal coalition, and it would be likely to assist female or ethnic minority candidates. The main disadvantage of a list, of course, is that it would give too much power to the party machine. Moreover, the British parliamentary system might not take as kindly to two sorts of MP as the German system does. German MPs are not normally involved in constituency matters, which are dealt with primarily at Land and local level. In Britain, by contrast, there would be one set of MPs with constituency responsibilities and another without.

20. Despite these factors, however, the best electoral system, if STV is rejected, would probably be first past the post or the alternative vote combined with a list system allowing for a wide degree of voter choice of candidate. Any such system, however, strikes me as far inferior to STV.

Vernon Bogdanor,
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February 1998.

Chapter 3, 'Electoral Reform' from Vernon Bogdanor: Power and the People: A guide to Constitutional Reform (Gollancz 1997).

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SOME THOUGHTS ON ALTERNATIVE ELECTORAL SYSTEMS.

by

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1. If STV is excluded, because it is believed that MPs will not accept anything which does away with the single - member constituency, then the following alternatives are left.

2. First past the post with 'topping - up', either from a list or from 'best losers'.

3. The alternative vote with 'topping - up', either from a list or from 'best losers'. If it is accepted that the alternative vote is less proportional than first past the post, it is not clear what advantages 3 might have over 2. Moreover, the notion of a 'best loser' makes less sense under the alternative vote than under first past the post. Is the 'best loser' the candidate from the relevant party with the highest percentage of first preference votes in a particular constituency, or is it the candidate from the relevant party with the highest percentage of votes in a particular constituency after the votes have been redistributed ?

Presumably, both 2 and 3 will operate with a threshold e.g. 5% of the regional vote before a party can be considered for 'additional members'.

4. Either system would, of course, require larger constituencies unless the Commons were to be enlarged beyond 659 MPs. The size of the constituencies would depend upon the extent of the 'topping - up' needed to secure proportionality. Since the alternative vote is less proportional than first past the post, it would seem that more 'topping - up' would be needed under the alternative vote than under first past the post.

5. The central advantage of 'best losers' is that it avoids the need for a list. Only candidates who have faced the voters can be returned to Parliament.

6. The main disadvantages of 'best losers' are:

a) Some constituencies would have 2 or 3 MPs while some would have only 1 according to no rationally defensible principle. This would alter the geographical balance of the Commons.

b) The system would be unfair as between defeated candidates. Some 3rd placed candidates from the Liberal Democrats and minor parties would probably secure election while 2nd placed candidates from the major

parties would probably not be the best losers. This might be difficult to explain to the public.

c) It would not be possible for the voter to signal coalition preferences.

d) It would not help female candidates or candidates from ethnic minorities.

These disadvantages are not merely theoretical. Attention was drawn to them in the debate on the Mackintosh / Kershaw amendment to the first devolution bill, the Scotland and Wales Bill, in the House of Commons on January 1977.

7. The main advantages of a list are that

a) It enables voters to signal coalition.

b) It would assist female and ethnic minority candidates.

The main disadvantage is that it gives too much power to the party machine, to professional politicians. It will be a new experience for British voters, in the Scottish Parliament elections, the Welsh National Assembly elections and elections for the European Parliament to be faced with a list, with candidates who secure election whether or not the voters want them. It is true that there can be some degree of choice over the list, as with the Belgian system or that used in Bavaria. But experience in Belgium shows that the choice rarely makes a difference to the order in which the parties put the candidates.

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February 1998

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