

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

Submissions from academics

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The Secretary,
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Dear Sir/Madam,

INDEPENDENT COMMISSION ON THE VOTING SYSTEM

Please find attached a submission to the Commission on the Voting System.

In line with the request that accompanied the call for submissions, I have tried to keep it short. Though it makes a case for the existing electoral system, it does so in part by addressing the problems associated with the alternatives being considered by the Commission.

Yours sincerely,

PROFESSOR PHILIP NORTON



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THE CASE FOR THE EXISTING ELECTORAL SYSTEM

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Although the Commission on the Voting System has the task of recommending an alternative voting system for parliamentary elections to the existing one, it has been enjoined to do so on the basis of four criteria. This submission makes the case that it is not possible for it to recommend an alternative to the existing system on the basis of those criteria as none of the alternative systems on offer can necessarily fulfil those criteria. An alternative system would also rid the country of the powerful attributes that flow from the existing system.

THE PRESENT ELECTORAL SYSTEM HAS FOUR ESSENTIAL ATTRIBUTES

First, it provides a powerful form of **accountability**. It enables electors to remove decisively a particular party from office. As Karl Popper argued, the most important means of judging an electoral system is not the ease with which it allows a government to be elected but rather the ease with which it permits a government to be removed.¹ The existing electoral system ensures that election day is, in Popper's words, Judgement Day. Electors know who to hold responsible for the failings (or success) of public policy.

Second, it facilitates **responsive government**. Because a party in government knows that it may be swept out of office at the next election it is responsive to shifts in public opinion and to the demands of electors. The return of a party to two or three successive terms of office does nothing to invalidate this thesis; indeed, if anything, it reinforces it. Governments respond to public opinion in order to bolster their chances of re-election, a re-election that (as

¹ K. Popper, 'The Open Society and its Enemies Revisited', *The Economist*, 23 April 1988.

by-election and opinion polls in between elections may demonstrate) is by no means certain. The electoral system facilitates a single-party government, thus ensuring some stability and coherence in the government's programme, but it also ensures that the party in government does not take its tenure for granted.

Third, it ensures **a link between citizens and Parliament**. Constituency representation is an integral part of the existing political system and is reinforced by the political culture. For the purpose of expressing grievances and demands to government, contacting one's MP is the most popular form of personal action and is judged to be effective.² That contact takes place on an increasingly substantial scale.³ The response of citizens to the constituency work of MPs is positive. One survey in 1978 found that, of those who contacted their MP, 75 per cent reported a 'good' or 'very good' response'.⁴ The 1995 MORI State of the Nation poll, compared with that of 1991, revealed a continuing level of positive evaluation of the work of the local Member of Parliament. While confidence in the institution declined, the level of satisfaction with the local MP remained constant.⁵

Fourth, it facilitates **coherence in public policy**. The electoral system facilitates, though does not guarantee, the return of a single party to government. The return of a single party to government enables a programme of public policy laid before the electorate at the General

² R. Jowell and S. Witherspoon, *British Social Attitudes: The 1985 Report* (Aldershot: Gower, 1985), p. 12. See also R. Jowell, S. Witherspoon and L. Brook, *British Social Attitudes: The 1987 Report* (Aldershot: Gower, 1987).

³ See C. Miller, *The Government Report* (London: Public Policy Consultants, 1987), p. 9; P. Norton and D. M. Wood, *Back from Westminster* (Lexington KY: University Press of Kentucky, 1993), Ch. 3; P. Norton, *Does Parliament Matter?* (Hemel Hempstead: Harvester Wheatsheaf, 1993), Ch. 9, and P. Norton, 'The Growth of the Constituency Role of the MP', *Parliamentary Affairs*, Vol. 47 (4), 1994, pp. 705-20, and P. Norris, 'The Puzzle of Constituency Service', *The Journal of Legislative Studies*, Vol. 3 (2), 1997, pp. 29-49.

⁴ B. Cain, J. Ferejohn and M. Fiorina, 'Popular evaluations of representatives in Great Britain and the United States', *California Institute of Technology Working Paper No. 288* (Pasadena: California Institute of Technology, 1979), pp. 6-7.

⁵ In 1991, the difference between the percentage satisfied and dissatisfied was +20 (43% to 23%). The figures remained exactly the same in 1995. MORI, *State of the Nation 1995* (London: MORI, 1995).

Election to be introduced and implemented.⁶ The mandate theory has been subject to various criticisms, but it is difficult to see a viable alternative in a mass democratic system based on party voting. If electors do not like the effects of the government's programme, or if the party in government fails to deliver on its promises, they can then remove that party from office at the next election. In short, they know who to hold accountable and how to enforce that accountability. The party in government cannot pass the buck to another party or parties.

That brings us full circle. The present electoral system thus delivers a number of clearly related benefits. Those benefits will be jeopardised by the introduction of another electoral system.

THE PITFALLS OF ALTERNATIVE ELECTORAL SYSTEMS

It is imperative to stress that the existing system must be assessed directly and alongside particular alternative systems and not against some general concept ('proportional representation') or solely in terms of the perceived failings of the present system ('we must have change regardless'). The existing system is a real system and its strengths and weaknesses must be assessed against the strengths and weaknesses of real alternatives. Assessing the weaknesses of the existing system alongside the strengths of alternative systems would be intellectually dishonest and potentially disastrous.

The real alternatives on offer do not deliver the benefits of the existing system or, indeed, the benefits embodied in the Commission's terms of reference.

⁶ Winning parties have a good record in carrying out manifesto promises. See, R. Rose, *Do Parties Make a Difference?* 2nd ed. (London: Macmillan, 1984), pp. 64-7, and R. I. Hofferbert and I. Budge, 'The Party Mandate and the Westminster Model: Election Programmes and Government Spending in Britain, 1945-85', *British Journal of Political Science*, Vol. 22 (2), 1992, pp. 151-82.

List systems sever the link between the citizen and the Member of Parliament. Where such systems exist, there is little concept of 'representing' citizens in the way that the concept is understood in constituency-based systems. List systems also have the potential to enhance enormously the power of party machines in determining the ranking of candidates on the party list (as happens, for example, in Belgium).⁷ Such systems cannot therefore maintain the 'link between MPs and geographical constituencies'.

The Single Transferable Vote (STV) actually falls foul of the need for 'broad proportionality'. STV cannot guarantee proportionality. That is borne out by experience in Ireland and Malta and also by the study carried out by Dunleavy *et al.* of the British 1997 General Election.⁸ Had the election been fought under STV, the results would have been disproportional. As Dunleavy and his co-authors argue, STV can be characterised as only 'contingentially proportional'. The experience of Ireland also points to the potential for excessive localism in the approach taken by members of the legislature.⁹ The consequence is not so much stable government as overly dominant government, subject to relatively little scrutiny by the parliament, more so than is the case in the UK Parliament.

There is also evidence to show that electors prefer a system based on single member rather than multi-member constituencies. One survey in 1997 found that 58 per cent of those questioned preferred the single member option; only 26 per cent favoured the multi-member option.¹⁰

⁷ L. De Winter, 'Parliament and Government in Belgium: Prisoners of Partitocracy', in P. Norton (ed), *Parliaments and Governments in Western Europe* (London: Frank Cass, 1998), pp. 108-9.

⁸ P. Dunleavy, H. Margetts, B. O'Duffy and S. Weir, *Making Votes Count* (University of Essex: Democratic Audit, 1997), pp. 23-8.

⁹ E. O'Halpin, 'A Changing Relationship? Parliament and Government in Ireland', in P. Norton (ed), *Parliaments and Governments in Western Europe* (London: Frank Cass, 1998), pp. 122-140.

¹⁰ Dunleavy *et al.*, p. 5.

The Alternative Vote (AV) and the Supplementary Vote (SV) both fail the test of 'broad proportionality'. They are not proportional systems and, had they been employed in 1997, would have likely produced a result significantly more disproportional than the existing system.¹¹ Indeed, where one has a significant bias against a party in terms of second preferences, then the results will be far more skewed than under the present electoral system. That potential effect negates any benefit that may be attributed to requiring a candidate in a seat to obtain 50 per cent of the votes.

The Alternative Member System (AMS) is the only system that comes closest to offering broad proportionality while retaining some element of a geographic link between members and geographical constituencies. However, the extent to which it is proportional depends on the type of AM system employed.¹² Furthermore, it is not a system that notably 'extends voter choice' and, indeed, may actually reduce it. Giving an elector a greater range of names (as potentially under STV) or a choice of candidate and party (AMS) may extend choice - albeit marginally in the latter case - at the individual level of electing parliamentarians but reduce it at the aggregate level of choosing a government. If the production of a government is a consequence of post-election bargaining then voter choice in the selection of a government is effectively reduced or negated. The use of AMS also creates large constituencies, with the potential for constituents to feel more distant from their Member of Parliament¹³ (and the more one seeks greater proportionality the larger the individual constituencies),¹⁴ and does not necessarily deliver stable government. The recognition that it may not necessarily lead to unstable government is conceded but this hardly constitutes a

¹¹ Dunleavy *et al.*, pp. 5, 13-18.

¹² To produce the greatest proportionality, an even split between the number of constituencies and the number of top-up members would be needed. Dunleavy *et al.*, p. 19.

¹³ Where there is a large constituency with a notable urban/rural divide, there is also the danger of rural constituents feeling neglected in favour of the urban electorate. There appeared to be an element of this phenomenon at local government level during the existence of the Humberside county council.

¹⁴ Given an even split between the number of constituencies and the number of top-up members (see note 11 above), the result would be - if the present number of MPs is retained - a doubling of the size of constituencies.

compelling case for its introduction given the likely disbenefits. If a threshold requirement is introduced, this further complicates matters, as witnessed in systems employing it: the best known example is Germany, where one party which sometimes has only just managed to meet the threshold requirement has had continuous parliamentary representation - and a place in government for all but four years since the Basic Law was enacted - and parties just falling below the threshold have no representation at all.

A proportional system, therefore, would not necessarily deliver the attributes listed in the Commission's terms of reference and would have the potential to destroy the attributes of the existing system. A proportional system has the potential to deny the electors the opportunity to make a clean break with an existing government - post-election bargaining between parties resulting in some or all of the same faces remaining in government - as well as to undermine stability and public support. Depending on the system, it may make electors feel distant from their (or rather the) Members of Parliament. Government derived from party bargaining also has the potential to produce a notably unresponsive system of government. A survey in Belgium in 1992, for example, found a large majority of citizens believed that the parties and politicians were not responsive to the policy preferences of ordinary citizens.

There is no evidence to support the assertion that a new electoral system will necessarily increase public confidence in the political system or somehow result in improved economic performance (a claim sometimes made for it).¹⁵ The study by Richard Rose on behalf of the Electoral Reform Society discovered no link in industrial democracies between the type of electoral system used and economic performance. The consequences of electoral systems, he concluded, were political, not economic. 'Differences in economic performance... cannot be

¹⁵ As, e.g., Viscount Caldecote, *Industry needs Electoral Reform* (London: Conservative Action for Electoral Reform, 1980).

explained by differences in electoral systems'.¹⁶ There is also little evidence that a new system would necessarily strengthen Parliament in the political system and may, indeed, undermine it. If public policy is the product of bargaining between parties then members of parliamentary parties may have little option but to support the deals done by their leaders - as is the case, for instance, in Belgium - thus producing excessively tight party discipline.¹⁷ If there is a list system employed, wholly or in part, there is the potential for party leaders to determine the order in which candidates names appear on the list. Giving electors the option to change the order or go outside it is likely to be insufficient to override party preferences, other than in exceptional circumstances. The net effect is more disciplined and cohesive parties. In addition, STV in Ireland has been perceived to encourage localism and to reinforce executive dominance. As one former minister in Ireland wrote, of the 'many factors which inhibit reform of the virtually powerless Dail... the first and arguably the most intractable is the proportional representation multi-seat system.'¹⁸

In short, when one puts the strengths and weaknesses of the existing electoral system alongside the strengths and weaknesses of alternative electoral systems, it is apparent that there is not the overwhelming case for change assumed (often unthinkingly) by advocates of change. Furthermore, there is no clear evidence of increasing public support for change. If anything, opinion is not moving or is moving away from reform.¹⁹ Furthermore, those favouring change only clearly outnumber those favouring the status quo when the question is

¹⁶ R. Rose, *What are the Economic Consequences of PR?* (London: Electoral Reform Society, 1992), p. 17.

¹⁷ See L. De Winter, 'Parliament and Government in Belgium: Prisoners of Partitocracy', p. 108.

¹⁸ Cited in G. Hussey, *Ireland Today: Anatomy of a Changing State* (London: Viking, 1993), p. 71, and reproduced in O'Halpin, 'A Changing Relationship? Parliament and Government in Ireland', p. 129.

¹⁹ In the MORI State of the Nation polls, there was a net decrease in the percentage of respondents who supported a system of proportional representation (from 50% in 1991 to 46% in 1995); the biggest decrease was in those who 'strongly' supported proportional representation.

posed in terms of electoral reform: when it is posed in terms of the *consequences* of electoral reform, there is no clear demand for change.²⁰

The principal, if not the exclusive, objection to the existing electoral system is that it does not produce results as proportional as some other systems. The point is relative. Few 'proportional' systems produce an exact correlation between the proportion of votes cast and the proportion of seats won. Some 'proportional' systems, such as that employed in Spain, are not much more proportional than the British first-past-the-post system.²¹ 'Nor', as Rose writes, 'does any first-past-the-post system approach gross disproportionality'.²² The benefits to be derived from a relatively more proportional system are less apparent than the negative consequences that would flow from an abandonment of the present system.

²⁰ Polls demonstrate that about half of those questioned favour single-party government, roughly the same proportion who advocate change. See the 1991 MORI State of the Nation survey.

²¹ Rose, *What are the Economic Consequences of PR?* p. 6.

²² Rose, p. 6.