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ELECTORAL REFORM:

The Risks of Unintended Consequences

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**A SUBMISSION TO THE
INDEPENDENT COMMISSION ON THE VOTING SYSTEM**

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SUMMARY

- The first-past-the post system ensures:
 - strong and stable government;
 - a close link between MPs and geographical constituencies;
 - as wide a range of “voter choice” as any other voting system.

The first-past-the-post system therefore meets at least three out of the four terms of reference imposed by the Independent Commission on the Voting System (the fourth being the somewhat vague requirement of “broad proportionality”).

- The first-past-the-post system works in the oldest and most stable democracies in the world (Britain and the United States of America). It rests on the widely accepted principle that the individual chosen to represent a constituency is the one who receives the most votes.
- Examination of voting systems in neighbouring countries reveals that alternative systems have the following impact on the wider political culture of a country:
 - coalition government predominates at the expense of single-party government. The role of opposition is greatly diminished;
 - the need to form coalitions predicates intensive bargaining between the main political parties. Party mandates become irrelevant. Politicians, not voters, choose the government;
 - politics is ‘professionalised’. Political careers are exclusively advanced within the structure of the dominant parties. There is little room for MPs of individual character;
 - accountability to geographical constituents is reduced.
- In comparison, the first-past-the post system:
 - ensures accountability. Voters know who to blame when things go wrong;
 - encourages serious and realistic political debate;
 - facilitates a change of government and of direction when the electorate believes that to be desirable.
- The Commission should therefore recommend that the current voting system remains unchanged.

INTRODUCTION

The INDEPENDENT COMMISSION ON THE VOTING SYSTEM is required by its terms of reference to observe four principal conditions. These are “broad proportionality” in any scheme proposed; “the need for stable government”; “an extension of voter choice”; and “the maintenance of a link between MPs and geographical constituencies”. It is highly unlikely that *any* voting scheme can at one and the same time meet all these criteria.

This paper seeks to offer evidence on why we should look critically at proposals to change the electoral system by drawing attention to various aspects of the experience of proportionality in neighbouring continental European countries. This points to the conclusion that proportionality is now generally associated with the following features of government:

- governments are usually very difficult to change;
- voter choice really has little direct bearing on who is in power;
- the disappearance of effective links between representatives and geographical constituencies of manageable size.

More often than not the advocates of change in Britain seem to be unaware of the lessons to be drawn from proportionality at work across the Channel. They seem to assume that proportionality in some form or other can be introduced without any far-reaching implications for the political system as we know it in Britain. As I wrote in a CPS pamphlet some years ago:

Reflection on a wide range of experience outside Britain as well as on what has happened here has brought me to the conclusion that the proportionality principle embodies greater dangers for the health of democratic, representative government than are currently recognised, so much so that its adoption in Britain would be profoundly misconceived.

*The terms of
reference of the
Commission*

*The lessons that
Europe can teach
us about the
impact of PR on
wider political
issues...*

*...and their
relevance to
Britain*

IT'S NOT FAIR!

THE CASE FOR ELECTORAL REFORM tends to focus in the first place on the issue of fairness. This is to take a narrow and limited view of the issues involved. It is important to decide what we want a voting system for. Is it to secure 'fair' representation for individual constituencies? Is it to ensure 'fairness' in the overall outcome of elections in all constituencies? Or is it to maximise the chances of establishing an effective and accountable government recognised as such by the electorate?

There is in Britain a strong belief that the people have a democratic right to choose their government. But this can only be achieved if the voting system encourages voters to support the party team and the package of policy proposals which they prefer at election time. Similarly, this democratic right can only be upheld if the parties are encouraged by the voting system to put themselves forward as offering single party government. If these two conditions are not met, it is likely that governments would be chosen not by the electorate but by party managers.

In practice, 'fairness' in the reform debate nearly always turns out to mean nothing more than fairness to the parties competing in an election in terms of trying to make sure that the number of seats gained by them relates closely and proportionately to their share of the vote. Little or no attention is paid to fairness to candidates and not much to fairness to voters. It is simply assumed that the voters are concerned only with expressing their support for a party and nothing else. Once they have done that, their job is finished until the next election. This is particularly true of all those systems which effectively exclude non-party or independent candidates (e.g. German electoral law at national level) and which require voters to opt for a party list without any scope for modifying that list (e.g. the second vote arrangements in Germany, Swedish electoral law or Spanish electoral law).

The argument for fairness begins to gain some theoretical force only when it is cast in terms of voters' presumed preferences and the 'unfairness' of candidates being returned with what might be only a

What is the purpose of a voting system?

First-past-the post is the only system which ensures that the electorate chooses the government

'Fairness' to voters and candidates? Or 'fairness' to parties?

Can voter preferences be accurately measured in any voting system?

minority of first preferences. Yet it should be noted straightaway that preferences too remain an elusive matter: what do they mean? How, if at all, can they be weighed? What is the implication of the fact that some people obviously have strong preferences whilst others do not? Problems like these arise just as much in relation to preferences for parties as for individuals. In reality, however, experience elsewhere suggests that a focus on fairness in the electoral regime is almost certain to point in only one direction: this will be towards electoral rules which will tend to ensure that parties – or at any rate all significant parties – gain seats in numbers roughly proportionate to the votes cast for them. Except under the STV method the evidence shows that it is parties far more than individual candidates or voters which benefit most from the achievement of fairness through the application of the proportionality principle.

Despite the superficial attractions of the fairness argument, there are also obvious weaknesses in it. Firstly, there is no such thing as ‘fairness’ in the abstract or as dictated by mathematical reasoning. Fairness depends on the context in which it is considered and evaluated and on what kind of outcomes have to be rendered ‘fair’. Second, fairness is very much a product of what people think about the rules under which they are operating. If they accept the rules, and even more so if they think that the rules are positively desirable, then the outcomes under such rules will almost certainly be regarded as ‘fair’ even though they may offend those who want to have different rules. (It is much the same in the case of games: so long as people are content with the rules and players abide by them, nobody questions the fairness of the results).

So it is with plurality voting. On the whole the underlying rules for it are accepted both in Britain and, for example, in the USA where they also apply. So long as that is the case, the fairness argument is largely beside the point.

Moreover, if we turn to different electoral systems which are proportional and, therefore, in a formal sense ‘fair’, it is usually quite easy to pick out features of them which would strike most people in this country as distinctly unfair. In Germany, for example, a party securing less than 5% of the national vote for party lists gains no seats unless it has won at least three constituencies. But if that happens (and it did in the Bundestag elections of 1994) it then secures representation equivalent to its percentage share of the total list vote, even though this is less than 5%. Many people here would find this odd; they would find it even stranger if they realised that in Sweden the threshold is 4%, in Denmark 2% and in the Netherlands 0.67%. And in Germany too (to cite only one example) there are no

*What is
‘fairness’?*

*‘Unfair’ aspects
of proportional
systems*

by-elections. If a vacancy occurs it is filled without an election by the next person on the relevant regional list at the last election. Again, most voters here would be perplexed by the notion of someone becoming a Member of Parliament without an election, though in Scotland and Wales and for European elections they are soon going to have to come to terms with this possibility.

A further point in underlining the ambiguities of 'fairness' is that systems of preferential voting such as the Alternative Vote (AV) or the Single Transferable Vote (STV) necessarily tend to facilitate the election of candidates who are the least disliked rather than the most strongly supported. This occurs because all preferences have to count equally and must be given equal weight. As a result, preferences well down the scale which are redistributed count just as much as first preferences. This objection was aptly and dramatically expressed by Winston Churchill in his House of Commons speech on the Alternative Vote Bill in 1931 when he objected that under AV: 'The decision is to be determined by the most worthless votes given for the most worthless candidates.'

Finally, contrast the complexities of the various proportional systems with the simplicity of the first-past-the-post system. In Britain and America, – the oldest and most stable democratic societies in the world – the method of voting still rests for the most part on the ancient principle that, in an election, the person chosen to be a representative is the one who receives the most votes. Can anyone claim that such a system is any less 'fair' than any other?

Churchill on the AV system: 'The decision is to be determined by the most worthless votes given for the most worthless candidates.'

A simple principle: the person chosen to represent a constituency should be the one who receives the most votes.

REPRESENTATIVENESS

THE SECOND MAIN CLUSTER OF ARGUMENTS for an alternative to the first-past-the-post system focuses on representation and representativeness. These are closely linked with the fairness contention since they assume that if the outcomes of elections become 'fairer', they automatically become more representative.

The chief weakness in the arguments about securing more representative results in elections is that they rest on what can be called the "mirror image" view of representation. According to this view an institution or group of people is representative only to the extent that its composition accurately reflects the presence of specific characteristics in the wider population from which it is drawn. Applied to parties and elections it is then argued that proportionate results would be more representative than those which might be yielded by a first-past-the-post system.

The difficulty is that this mechanical view of representation and representativeness ignores what is involved in the activity of representing. It is very doubtful indeed whether representatives chosen by some of the more rigorous proportional systems to be found in continental Europe 'represent' those who helped secure their election anything like as effectively as MPs in Britain represent their constituencies or members of the American House of Representatives represent their districts. Indeed, PR generally makes it difficult to decide who is represented: there is either no constituency at all or large and amorphous multi-member voting areas; the notion of representing a party is questionable; and generally even the representatives themselves would find it difficult to say much about who their supporters actually are.

*Must the composition of
Parliament accurately
reflect the specific
characteristics of the
population?*

*...or should MPs
represent all their
constituents?*

LEARNING FROM EXPERIENCE

HAVING LOOKED AT SOME OF THE ISSUES of principle usually raised in the discussion of electoral reform, it is time to turn to a third set of arguments which tend to be overlooked altogether. These can best be called the lessons of experience. The reference here is not to experience in the narrow sense of how particular electoral rules work out, how they can be operated, and with what very specific effects. That sort of evidence is useful and can help to clarify misunderstandings about the working of different systems. But if one looks at the broader picture, it quickly becomes clear that in a mature political system many institutional factors interact with each other – and with patterns of behaviour and expectations within the society; and that it is dangerous to assert that straightforward causal links can be established between a particular electoral system and particular features of a country's political system.

To quote two hoary examples: PR does not necessarily produce either numerous parties or unstable coalition governments. But it often does have one or both of these effects. In the Netherlands and in Denmark a strong emphasis on proportionality has tended to produce and sustain a fragmented party system; though in both cases coalition governments tend to be reasonably stable (perhaps less so in Denmark than in the Netherlands). In Italy until 1993 PR encouraged fragmentation of parties, factionalism and short-lived coalitions, it had the same effect broadly in France before 1958. But in Germany or Austria the outcome has been different: relatively few parties and extreme stability of governing coalitions.

It is hard to make specific causal connections with confidence – there will always be exceptions. But experience in most European countries indicates that there is an association between a certain type of electoral regime and a range of specific political conditions. The evidence is such that one must conclude that if particular changes are made in British electoral law, then sooner or later there would be predictable consequences of the sort encountered on the continent.

*What is at stake is
a radical change
in our political
habits and
institutions.
Thorough-going
electoral reform
means a change of
political systems
and values,
nothing less*

*No easy
generalisations from
the European
experience...*

*...but it is possible to
predict some of the
consequences of PR
on the political life of
Britain*

Different systems of proportional voting are used in nearly all European countries, with France being the sole exception in the case of parliamentary elections for which the two-ballot method (sometimes called the exhaustive ballot) is used for elections to the National Assembly. The forms of PR used generally involve very large multi-member constituencies in which lists of candidates and parties are presented; or, as in the German case, single-member constituencies and provincial lists, with the outcome of the election in terms of the distribution of seats determined according to proportionality applied to the list votes.

In some countries (for example, Switzerland) voters can distribute their multiple votes over one list or several, whilst at the other extreme there are many examples of no such freedom of choice: that is, the voters simply have to cast a vote for a single party list. Ireland is the only country in Europe to use STV for parliamentary elections, a system which allows voters to vote for individuals and to order their preferences. There is amongst Britain's neighbours no example of the AV, a method which is in essence a simplified form of STV. Single member constituencies of the British type are to be found in France where in the absence of any candidate with over 50% of the poll on the first ballot a second vote has to take place, at which point a relative majority suffices. The reforms of 1993 have also brought back single member constituencies for 75% of the seats to be filled in Italy, with the remainder elected according to PR from lists. What broad effects of the widespread use of PR by our neighbours can be identified?

First, single party government as it is known in Britain is very rare, though there have been exceptions to this. For example, Sweden has had long periods of Social Democratic single party rule; Austria has sometimes had Social Democratic single party government; and Italy too has in the past had single party Christian Democratic governments, though the fragmented character of that party made it more like a complex coalition of competing factions.

Second, coalition governments are the rule, and contrary to popular belief here, they have often been surprisingly stable. Indeed, it can with some reason be said that from the voters' point of view the problem is whether a government can be changed at all. Stability of coalition rule has been experienced in Germany, the Netherlands, Norway, Belgium and Austria, to mention but some of the examples. Switzerland too provides a remarkable example of the continuity of coalition government with the same formula for a four party coalition having applied now for about 40 years. Generally speaking parties in most countries make their coalition

*A brief summary
of various systems
in Europe...*

*...and their
consequences on
political life:*

*i) hardly any
single party
government*

*ii) stable
coalition
governments the
rule*

preferences known in advance of elections, though this is not binding and does not mean that the process of negotiating a coalition is necessarily shortened. It is in fact quite normal in many countries for the formation of a new government to take several weeks or even months.

Third, no continental European country has an institutionalised official opposition in the British sense of a party which has a recognised public status and the role of presenting itself as the alternative government. Such a practice would make no sense in many countries, though in an informal way it does appear in German political life, mainly as a result of the presence of two major parties alongside a number of minor parties. It also appears in France intermittently, in part as a result of the pressures stemming from the presence of a popularly elected President.

Fourth, and perhaps most important of all, the dependence on coalition means that politics is conceived generally as a continuing bargaining process. The intensity of such bargaining varies: it is less strong in Sweden than in Germany or Austria, probably less strong in the Netherlands than in Belgium. The process of bargaining embraces policy and governmental programmes, but often extends to haggling over appointments and patronage as well. Political appointments are to be found in the public service of most continental countries, and in some politicisation is extensive, for example Germany. There is no doubt that this is encouraged by the political requirements of coalition bargaining.

Fifth, proportional representation has not only consolidated and strengthened parties in most cases, but it has also strengthened those who lead and manage them. This process has in turn been accompanied by a growing professionalisation of political life and the dependence of elected representatives on career ladders solely within their parties. In addition all proportional systems involving the use of party lists tend to result in greater security of tenure for the established candidates: the kind of risks run by candidates in Britain even in supposedly 'safe' seats are unknown. The only proportional system of voting which on the whole does not have these effects is STV as it operates in Ireland. This is in part due to the inherent localism of Irish political life, but also to the fact that STV allows voters to express preferences both for parties and for individuals within those parties.

Sixth, in nearly every country where proportionality applies the relationships between MPs and their constituents – insofar as

*iii) no official
opposition*

*iv) dependence on
coalition
predicates
intensive
bargaining among
the political elite...*

*v) ...with a
resultant
'professionalisation' of
politics...*

*...and the
elimination of risk
from political life*

*vi) the lack of
accountability to
geographical
constituents*

it is permissible to refer to them as such – differ considerably from those found in Britain. Members are in the first place party nominees and rarely feel any obligation to represent constituents as such regardless of party. And in any event multi-member constituencies are usually so large that there is little sense of representing a locality; they also encourage both representatives and voters to see themselves within a party rather than a territorial context. On the other hand it should be noted that there are several countries in which local politics are vigorous and important, and this does provide a certain counterweight to the dominance of nation-wide party organisations encouraged by a proportional electoral system.

LESSONS FOR BRITAIN

THE CONDITIONS OUTLINED ABOVE are now very strongly established in Europe. What they chiefly point to is the dominance of public life by parties and to the colonisation of the institutions of government by them and their adherents. In only a few countries – and the smaller ones at that – does there survive a sense of a public domain and a public interest which is not simply taken over by the parties (the Scandinavian countries come into this category, as do the Netherlands and Switzerland).

A further general consequence of coalition politics throughout Europe is that accountability is not understood or practised in the British manner. In some countries there is a degree of government accountability to parliament, but political accountability in the sense of publicly identifying those responsible for decisions and often blaming them when things go wrong is not central to constitutional thinking or to day-to-day politics. There are surrogates for political accountability, but for the most part they are slow in operation and fairly remote from ordinary citizens, except perhaps for the long-standing Ombudsman arrangements in Sweden and other Scandinavian countries. The absence of the accountability equation in European parliamentary systems reflects more than anything else the political conditions of coalition rule: political activity which is directed chiefly to ensuring that parties secure their shares of the cake cannot be equally concerned with apportioning blame.

Very bold assumptions about British exceptionalism have to be made to avoid the conclusion that the adoption of proportional representation in Britain would tend over time to have similar consequences to those which it has had on the continent. It would make coalition rule the norm and tend to stabilise over time the proportions of votes gained by the larger parties. The idea of a party gaining a mandate for a programme would soon become obsolete as would the practice of opposition

*The hegemony of
the Party*

*PR would obscure the
answer to a vital
question: who can I
blame when things go
wrong?*

Lessons for Britain:

- i) continuous
coalition rule*
- ii) no mandate for a
programme of
government*

as presently understood. Indeed, alternation of parties in government, following a decision by the voters, might become a rare occurrence. Sooner or later patronage too would be drawn into coalition agreements and almost certainly would extend to senior levels of public service. In addition the pressure for the public funding of political parties (already advocated by the Liberal Democrats) would probably increase. It is very likely that, as in several European countries, such arrangements would consolidate further the grip of parties.

More generally, the professionalisation of politics would receive a new dimension: political careers would be made exclusively in and through the dominant parties and the kind of political entrepreneur found in all parties who has played a notable part in British politics for so long would become extinct. It is difficult to see how these tendencies towards closed, introverted coalition politics could be checked – notwithstanding the fact that such a development would run contrary to the traditions of mainstream democratic politics and political thinking in Britain.

It would be foolish to dismiss the evidence of our neighbours as irrelevant to the prospects for the general political evolution of Britain under a proportional regime. Such evidence needs to be taken into account since all too often the protagonists of electoral reform talk as if it would be a modest change without far-reaching implications for the structure of political life and government in this country. Indeed, sometimes the impression is conveyed that after a shift to proportionality nothing much would change at all except that the distribution of the seats amongst the parties would be ‘fairer’. Any such belief is naïve: proportional representation would almost certainly open the way to a radical change over time in existing political relationships and practices. Such changes would run against the grain of modern British political development.

Britain has developed a system which emphasises public accountability, adversarial political argument, and that kind of competitiveness in party politics which, judging from the experience of those long-established and stable democracies which follow the British method of plurality voting, can only be secured under that system.

*iii) the corruption of
patronage*

*iv) public funding of
parties*

*v) professionalisation of
politics*

*PR would change more
than just the way by which
Parliamentary seats are
allocated...*

*...and such changes
would destroy many of the
benefits of
our current system:
public accountability,
adversarial political
argument, and
competitiveness in party
politics*

CONCLUSION

IF WE SET THE GENERAL EFFECTS of the present voting system against the requirements stated in the Commission's terms of reference, there can be no doubt that it meets three of out of four of these better than any proportional or preferential system of voting. The first-past-the-post system has, both in Britain and America, as well as other countries, met the need for stable government; it has certainly maintained close links between MPs and geographical constituencies; and there are no compelling reasons to believe that it has limited voter choice in any more serious way than do most other voting methods. As to the requirement of 'broad proportionality', its meaning is somewhat elusive. In 1945, in 1951, in 1964, in 1979, and again in 1997, the change of government which took place surely represented a shift in opinion on the part of the electorate which was 'broadly proportional' to the way in which the electorate as a whole had voted. The great virtue of the present electoral system is that it both encourages serious and realistic political debate and at the same time facilitates a change of government and of direction when the electorate believes that to be desirable.

It is probable that the existing first-past-the-post system for parliamentary elections comes nearer to satisfying the majority of the Commission's criteria than do any of the schemes for proportional representation currently being canvassed by the protagonists of change.

The Commission should recommend, therefore, that the current system be retained.

The first-past-the-post system meets three out of four of the Commission's terms of reference....

...which is more than can be said for other voting systems.

APPENDIX A

A BRIEF DESCRIPTION OF THE MAIN VOTING SYSTEMS

FOR PARLIAMENTARY ELECTIONS, only one member state in the European Union uses the first-past-the-post system in single member constituencies (Britain); one uses the double ballot system (France); and one uses STV (Ireland). Eleven states use proportional systems dependent on lists, though in detail they differ one from another. One of these systems (the German) embodies a 50% element of single member constituency elections. Finally, Italy recently gave up a complex version of PR in favour of single member constituency elections for 75% of the seats to be filled and with the remainder chosen from lists as a corrective.

Proportional representation

A method of ensuring that seats gained correspond broadly to votes gained by those parties standing for election

Normally this requires the presentation of lists of party candidates in large constituencies (or for a single national territory). The degree of proportionality achieved in the results depends principally on the method used for calculating the allocation of seats for votes: the d'Hondt rule of the highest average has often been used on the continent of Europe, but other more refined formulae less favourable to large parties are also in use. Thresholds defined in terms of a percentage of the total vote gained may be used to exclude small groups from representation: in Germany this is 5%, in Denmark 2% and in the Netherlands 0.67%. It follows that the Netherlands and Denmark achieve a greater degree of proportionality than Germany.

From the point of view of the voter, a crucial issue is whether he has to cast one vote for a single list or is able to exercise choice in some degree within one list or across lists. In most European PR systems with lists presented in large multi-member constituencies, the extent of flexibility and, therefore, of choice allowed to the voter is very limited. (There are a few exceptions to this – for example Switzerland, Luxembourg and Denmark). It does appear, however, that the voter can be given a wider choice within a PR list-based system only at the cost of making it even more complicated than it already is. The evidence suggests that this has generally discouraged voters from making much use of such opportunities when they are available.

Mixed systems

Generally a system whereby a proportion of representatives are chosen by the constituencies, with the remainder being chosen from party lists

The most familiar example is German electoral law, but there are several other countries which use elements of the same method. A mixed system like the German involves the election of candidates in both single member constituencies and from lists. This is sometimes called the Added or Additional Member method, but this is misleading. The German system embodies two votes, one to be cast for a constituency candidate and the other for a list. The final allocation of seats is determined by the proportion of votes each party gains nationally for its regional lists, qualified by the retention by parties of any 'surplus' seats they may gain in constituencies. In Germany the system has usually been called 'personalised proportional representation'. It should be noted that if the proportion of candidates elected from lists is significantly less than 50%, it is likely that the outcome will be that much less proportional.

Single Transferable Vote

A system based on the indication of preferences or the rank-ordering of candidates in multi-member constituencies

Of all the voting methods which do not require voters to vote for lists, this method achieves the most proportional effects. Counting is a complicated process which involves repeated distribution of preferences as low-ranking candidates are eliminated. STV requires relatively large constituencies returning about ten members each if it is to achieve a high level of proportionality.

The Alternative Vote

A simplified version of STV, carried out in single member constituencies

ATV carries the risk of arbitrary results which may fall well short of 'broad proportionality'.

The only country to use this method is Australia (for the lower house). Allegations of fraud are widespread. For example, the Joint Standing Committee on Electoral matters of the Parliament of the Commonwealth of Australia found that the existing safeguards against corruption need to be strengthened. The Committee noted that:

Disquiet in sections of the community about the potential for electoral fraud was reflected in the range of measures suggested during the inquiry

The 1996 Federal Election – Report of the Inquiry into the conduct of the 1996 Federal Election and matters relating thereto, Joint Standing Committee on Electoral Matters (June 1997)