REPORT

The Electoral System and British Politics

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Executive Summary

The crisis of British politics today raises questions about the functioning of all aspects of our political system. One of its most fundamental features is its electoral system: Britain is unique in Europe in using 'First-Past-the-Post' (FPTP) to elect its Members of Parliament. Although supporters of Proportional Representation have been critiquing FPTP as unfair since the 19th century, FPTP has been defended in terms of the outcomes it supposedly delivers: above all, moderate, accountable single-party governments. This report examines Britain's electoral system in light of recent developments.

Part 1 evaluates the impact of FPTP on contemporary British politics. It provides a detailed discussion of the arguments made by FPTP's defenders, but shows that this system is no longer delivering its claimed benefits: rather than producing a stable form of majoritarian politics, its main impact on British politics is to preserve an increasingly dysfunctional two-party system. This in turn is generating problems within our political parties, leading to greater polarization, weakening accountability, and making the election of single-party governments less likely.

If, therefore, it is time for reform, what electoral system should we use?

The choice of electoral system depends on what democratic features we value and what ends we seek. Part 2 of this report therefore examines a wide range of electoral systems, some proportional and some majoritarian, and suggests that three options deserve greater consideration. All of these options would allow greater flexibility for our party system to evolve, but beyond that they are very different:

- The Two-Round System (2RS) extends voter choice, while ensuring the continuation of a direct link between each MP and a specific constituency, and allowing for the direct election of a majority government;
- The Single Transferable Vote (STV) ensures broad proportionality, maximises voter choice, minimises the power of parties, and establishes the direct accountability of MPs to voters, albeit in a multi-member district;
- The Additional Member System (AMS) can provide for almost any level of proportionality desired, while maintaining the existence of single-member districts and the central role of political parties.

Lastly, the failure of the 2011 Alternative Vote referendum presents would-be electoral reformers with the difficult question of how to proceed with replacing FPTP. Part 3 of this report therefore discusses the range of options for electoral reform processes. It advocates the use of a Citizens' Assembly to consider the question as the best way to ensure serious democratic deliberation of electoral reform and, ultimately, public buy-in.

Introduction

Elections are the central and defining feature of democratic political systems across the modern world. It is through elections to legislative and executive bodies that citizens express their political preferences, and see them translated into political outcomes. Electoral systems - the rules and mechanisms which govern how citizens express their preferences, and how these preferences are translated into election results - are thus of vital importance.

In the United Kingdom elections have been, and continue to be, held using a variety of different electoral systems. Since 1950, however, the House of Commons, whose composition determines the government of the day, has been elected under the uniform plurality system known as First-Past-the-Post (FPTP). This distinctive feature of British politics is unusual for countries in Europe, which mostly use systems of Proportional Representation (PR), and has not been uncontroversial within the UK: over the past five decades there have been near-continuous debates over whether FPTP should be replaced with a different electoral system. In 2011, the issue came to a head when the Conservative – Liberal Democrat coalition government held a referendum on changing the electoral system to a preferential system, the Alternative Vote (AV), a proposal that was overwhelmingly rejected by voters.

This Constitution Society report reconsiders the debate over electoral reform in light of the political developments that have occurred since 2011. It analyses the impact that FPTP has on UK politics, and how this relates to the arguments traditionally made in its defence. It then discusses some of the wide range of alternative electoral systems and explores their potential impacts using evidence from places where they are in use. Finally, it considers the questions of how any reform process could and should work.

This report aims not to press the argument for one particular system, but to clarify the issues and options at stake, and so to fulfil the Constitution Society's mission of promoting a more informed debate about constitutional reform in the UK.

The Debate over Electoral Reform in the United Kingdom

Although electoral systems have been an issue of contestation in British politics since the Great Reform Act of 1832, the current debate over electoral reform most clearly took shape in the mid-1970s.[1] In 1974, the General Elections of February and October both saw the collapse of the Labour – Conservative duopoly in terms of votes, with almost 25% of ballots being cast for smaller parties. In February the result was a hung parliament, and in October the narrowest of Labour majorities, and in both cases the distribution of seats was dramatically disproportionate to the distribution of votes, with the major parties holding almost 95% of the seats. Amongst the smaller parties, the Liberal Party

1 For the longer history of electoral systems and electoral reform in the United Kingdom, and for more details on the events and organisations discussed below, see the accompanying paper: D. Klemperer, 'Electoral Systems and Electoral Reform in the UK in Historical Perspective' (Constitution Society Pamphlet, 2019).

suffered particularly, receiving barely 2% of the seats despite winning almost 20% of the vote.

These outcomes provided ammunition for the arguments long made by those such as the Electoral Reform Society (ERS), which saw a dramatic upsurge in interest and membership, that FPTP was ill-suited for a modern democracy, and that it should be replaced by a system of Proportional Representation (PR). Although no moves were made by either Labour or Conservative governments to change the electoral system for the House of Commons, the issue of electoral reform was firmly (back) on the agenda. In 1976, the Hansard Society published a report calling for the replacement of FPTP by a more proportional Additional Member System (AMS), and in 1977 a list-based proportional electoral system was seriously considered for the new direct elections to the European Parliament.

The 1980s and 1990s saw a continuation of multi-party politics, along with the emergence of influential movements for constitutional reform, such as Charter 88 and the Scottish Constitutional Convention, which included proposals for electoral reform amongst their demands.[2] These proposals were supported enthusiastically by the Liberal Democrats, the party most disadvantaged by FPTP, and more hesitantly by the Labour party, whose internal Working Party on Electoral Systems, chaired by a professor of politics, Raymond Plant, advocated limited reform.[3] When Labour came to power in 1997, new electoral systems were introduced for the new devolved governments in Scotland, Wales, Northern Ireland, and London, and for elections to the European Parliament. With regards to the electoral system for the House of Commons, an independent commission, chaired by former Home Secretary and former President of the European Commission Roy Jenkins, was established to examine the question. Although the Jenkins Commission concluded in favour of reform and advocated the replacement of FPTP by a hybrid system of Alternative Vote Plus (AV+), the government failed to follow through on its manifesto pledge to put the commission's proposals to a referendum.

Nonetheless, the Liberal Democrats continued to advocate electoral reform for the Commons, and in the aftermath of the 2009 MPs expenses scandal, Labour returned to the issue, including a promise to hold a referendum on AV in its manifesto for the 2010 election. After that election resulted in a hung parliament, a referendum on AV was indeed held, but as the price extracted by the Liberal Democrats from the Conservative party for their participation in a coalition government. This referendum, held in May 2011, saw the Liberal Democrats, the Green Party, the Scottish National Party (SNP), Plaid Cymru, the UK Independence Party (UKIP), and pro-electoral reform organizations such as Unlock Democracy and the ERS, campaign in support of AV, while the Conservative party and the British National Party campaigned against, defending FPTP. The Labour party remained neutral, with numerous Labour MPs campaigning on both sides. Ultimately, AV was decisively rejected, with 67.9% of voters opting to remain with FPTP.

Crucially, however, the result of the AV referendum should not be seen as closing the debate:

Firstly, it can easily be argued that the result did not genuinely express the informed opinion of the

2 Charter 88 demanded 'a fair electoral system of proportional representation', while the Scottish Constitutional Convention advocated a Scottish Parliament elected by an Additional Member System (AMS). For more on this system see below.

3 Plant's final report advocated use of the preferential Supplementary Vote (SV) for Westminster elections. For more on this see below.

British electorate as a whole. Not only was turnout notably low, at 42.2%, but many observers noted the extremely poor quality of information and debate provided by both campaigns, by the political parties, and by the media.[4] Rather than focusing on voting systems themselves, much of campaign rhetoric was directed towards side issues, such as the hypothetical cost of voting machines, or towards ad hominem attacks against supporters of the opposing campaign. As one journalist put it, 'The AV referendum has produced the most idiotic political debate in living memory'.[5] Moreover, there was widespread misinformation, with a 2013 study finding that '26 per cent of the claims made in newspaper reporting of the campaign were not merely misleading, but actually false', and one leading No campaigner, the former Labour Home Secretary David Blunkett, later admitting that his campaign had put out fictitious statistics.[6] It should be no surprise then that commentaries published by both the Electoral Reform Society and the Constitution Unit have emphasised the low level of public 'informedness' in the run-up to the vote.[7] As a result of this, rather than the referendum truly being an occasion for citizen deliberation, those electors who did cast a vote in the referendum largely did so on the basis of partisan allegiances: 80 percent of Liberal Democrat supporters voted Yes, while 88 percent of Conservative supporters voted No.[8]

Secondly, the 2011 referendum was not a referendum on the merits of FPTP, nor on the merits of electoral reform in general. Instead, it merely presented the electorate with a binary choice, asking if the Alternative Vote should be used instead of First-Past-the-Post. That those who voted overwhelmingly said 'No' to AV should not be taken as a positive endorsement of FPTP, nor as a rejection of the numerous electoral systems that were not on the ballot. In fact, a number of campaigners for a No vote explicitly stated that they opposed AV but supported other forms of electoral reform, while survey evidence indicated that voters would have preferred to have been presented with a wider range of options.[9]

Finally, in the eight years since the referendum was held, British politics has changed dramatically. For a start, the continued process of devolution within England, and in particular the creation of new elected positions such as Police and Crime Commissioners, has given many voters the

4 See the discussion of this in I. White & N. Johnston, 'Referendum campaign literature', (Parliamentary briefing paper, no.7678, 15 February 2017); or L. Atkinson & A. Blick, 'Referendums and the Constitution', (Constitution Society Pamphlet, 2017).

5 P. Collins, 'Hot AV News from Oz: it's Not an Issue, Mate', The Times, (22 April 2011), https://www.thetimes.co.uk/article/hot-av-news-from-oz-its-not-an-issue-mate-9zfrl7k6qk8, [accessed February 2019].

6 A. Renwick, 'Can we improve the quality of the referendum debate?', The Constitution Unit, (8 June 2016), https://constitution-unit.com/2016/06/08/can-we-improve-the-quality-of-the-referendum-debate/, [accessed February 2019]; S. Shackle, '"No campaign used made-up figures", says David Blunkett', New Statesman, (5 May 2011), https://www.newstatesman.com/blogs/the-staggers/2011/05/campaign-figure-blunkett, [accessed February 2019].

7 R. Hazell, 'The AV referendum will be lost', The Constitution Unit, (2 April 2011), https://constitution-unit.com/2011/04/02/the-av-referendum-will-be-lost/, [accessed February 2019]; W. Brett, 'It's Good To Talk: Doing referendums differently after the EU vote', (Electoral Reform Society pamphlet, 2016).

8 P. Whiteley, H. Clarke, D. Sanders, & M. Stewar, 'Britain Says NO: Voting in the AV Ballot Referendum', Parliamentary Affairs, 65(2), (2012), p.314.

9 See for instance the letter to the Guardian from five members of the House of Lords, including former SDP leader David Owen: 'We will continue to campaign for PR', https://www.theguardian.com/politics/2011/mar/11/we-will-campaign-for-pr, [accessed February 2019]; V. Bogdanor, 'The Referendum on the Alternative Vote', (Political Studies Association, AV Referendum Media Briefing Pack, 29th March 2011), p.2.

experience of using a wider variety of electoral systems than they had before 2011. Perhaps more importantly, the party system of today is different, as the past few years have seen the collapse of the Liberal Democrats, the rise of UKIP and the SNP, major internal changes within both the Labour and Conservative parties, and most recently the creation of a new Independent Group of MPs. It could be legitimately argued that new political contexts require new electoral institutions to match them. However, the recent developments in British politics also have a deeper significance for the electoral reform debate: crucially, many campaigners and academics have cited them to argue that the case made in 2011 for FPTP has been fatally undermined.[10] It is these arguments in particular that this report will consider in more detail.

Indeed, the debate is clearly far from over in practice. The Electoral Reform Society and Unlock Democracy continue to campaign actively, and 2015 saw the creation of the grassroots Make Votes Matter movement in favour of PR. Amongst the political parties, the Liberal Democrat, Green, Scottish National, Plaid Cymru, and UK Independence parties are all committed to electoral reform, and are joined in this by a significant proportion of Labour MPs, and by the odd Conservative. Overall, a total of 146 MPs are on the record supporting the replacement of FPTP.[11]

This report is therefore a necessary contribution to an ongoing debate. Given that electoral reform remains contentious, it is important to clarify the issues at stake, and the options available, in order to promote informed deliberation about what kind of electoral system is most suitable for UK democracy.

The Issues at Stake

It is important to recognise that the choice of electoral system is an essentially political question. That is to say it is not a question to which there can be a scientifically-determined "correct" answer; rather, it is one whose answer ultimately depends on one's prior aims and values.

Reports evaluating the merits of different electoral systems have therefore commonly begun by setting out what their authors consider to be the central criteria of a good electoral system:

- The 1986 report of New Zealand's Royal Commission on Electoral Systems used ten criteria: 'fairness between political parties', 'effective representation of minority and special interest groups', 'effective Maori representation', 'political integration', 'effective representation of constituents', 'effective voter participation', 'effective government', 'effective Parliament', 'effective parties', and 'legitimacy'.[12]
- The 1991 report of the Labour Party's Working Party on Electoral Systems (the Plant Report) emphasised 'Procedural criteria, which are essentially about fairness', alongside 'Outcome criteria, which look much more to the consequences of electoral systems and their impact on such things as the environment within which public policy is developed'.[13]
- The 1998 report of the UK's Independent

10 See for instance: 'The 2017 General Election: Volatile Voting, Random Results', (Electoral Reform Society Pamphlet, 2017); or T. Bale, 'Let's Junk our Electoral System', https://unherd.com/2019/03/lets-junk-our-electoral-system, [accessed March 2019].

11 'MPs on reform', https://www.makevotesmatter.org.uk/mps-on-reform, [accessed February 2019].

12 Report of the Royal Commission on the Electoral System, (Wellington, 1986).

13 'Democracy, Representation, and Elections', (Interim Report of the Working Party on Electoral Systems, Labour Party, 1991), p.7.

Commission on the Voting System (the Jenkins Commission) had as its criteria 'the requirement for broad proportionality, the need for stable Government, an extension of voter choice and the maintenance of a link between MPs and geographical constituencies'.[14]

- The 2016 report of the Canadian Parliament's Special Committee on Electoral Reform based its analysis around five 'values': these were 'effectiveness and legitimacy' (defined in such a way as to encompass an idea of proportionality), 'engagement', 'accessibility and inclusiveness' (defined with an emphasis on an absence of complexity), 'integrity', and 'local representation'.[15]
- Today, on its website, the Electoral Reform Society scores electoral systems according to the criteria of 'proportionality', 'voter choice', and 'local representation'.[16]

These values are inherently contested. People disagree, for instance, about the importance of local representation or of proportionality. Moreover, many are ambiguous – 'fairness' for instance could be interpreted as referring either to procedure or to outcome. Most importantly, though, as many submissions to these reports emphasised, no electoral system can perfectly satisfy all criteria. Indeed, in 1951 the economist Kenneth Arrow demonstrated what is now called 'Arrow's Impossibility Theorem' - that no electoral system was capable of always satisfying four basic conditions that are generally accepted as desirable.[17] Choosing an electoral system is therefore a matter of deciding upon what procedures one values and what outcomes one seeks, balancing these against each other, and then determining which electoral systems come closest to balancing these ideals in practice.

This report does not seek to adjudicate upon the criteria we should use to judge electoral systems, or how we should balance them against each other. What kind of democracy we wish to see in the UK, and thus what we should seek from our electoral system, is a fundamental question. It lies beyond the scope of this report, and is for politicians and citizens to answer. Instead, this report seeks to clarify the practical political impact of our existing electoral system, and the potential impacts of alternatives, and thus which criteria or outcomes are in fact met by which systems. In particular, it will evaluate to what extent systems achieve the stated aims of their proponents. In doing so, it will provide citizens and politicians with the capacity to make an informed choice of which electoral systems best fit the criteria they judge to be important.

Although it has been frequently argued that electoral systems impact a wide variety of social, political, and economic outcomes, this report will limit its analysis to the effect they have on politics alone. This is because the broader social and economic impacts of electoral systems are far more contested within the academic literature, and are in any case largely derivative of political outcomes.

14 The Report of the Independent Commission on the Voting System Cm 4090.

15 House of Commons Canada. Report of the Special Committee on Electoral Reform. Strengthening Democracy in Canada: principles, processes, and public engagement for electoral reform. 42nd Parliament, 1st session, December 2016.

16 'Types of voting system', https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system, [accessed February 2019].

17 These conditions were: unrestricted domain, non-dictatorship, Pareto efficiency, and independence of irrelevant alternatives.

Part I: Assessing First-Past-The-Post

First-Past-the-Post (FPTP) and Other Electoral Systems

Electoral systems contain three key elements: a district structure (i.e., what kinds of constituency representatives are elected in, and how many are elected per constituency), a ballot structure (i.e., how voters cast their votes), and an electoral formula (i.e., how votes are converted into seats).

Although there are innumerable different possible electoral systems, they mostly fall into one of the two broad categories of majoritarian and proportional.[18] In majoritarian systems, seats are won outright by a specific party or candidate; in proportional systems, they are distributed between multiple parties or candidates in some 'proportion'. Proportional systems therefore almost always involve multi-member districts, while majoritarian systems more often use single-member districts.

Within these categories, though, there is enormous variation in district structures, ballot structures, and electoral formulae: in some majoritarian systems the winning candidates are those who achieve a plurality (i.e., the highest number of votes) in a given district, while in others the winning candidate is required to achieve an absolute majority of the vote (i.e., 50% +1); in some majoritarian systems voters cast a single vote, whereas in others they are able to express multiple preferences or even vote multiple times. Likewise, in some proportional systems electors cast their votes for parties, while in others they select individual candidates, and different proportional systems use different formulae to apportion seats amongst parties and candidates.

Some of the most important models of both majoritarian and proportional electoral systems will be discussed in more detail in Part 2 of this report.

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In the UK, 'First-Past-the-Post' (FPTP) refers to the specific form of majoritarian electoral system we use today for elections to the House of Commons, while 'Proportional Representation' (PR) refers to the broad category of proportional (and mixed) electoral systems.[19]

FPTP emerged gradually over the course of British history, and despite its name there are no 'posts' involved. Instead, it refers to a simple plurality system occurring within single-member districts: electors each vote for one candidate in their district, and the candidate with the most votes wins.

Evaluating Electoral Systems

Although the potential criteria for evaluating electoral systems are as innumerable as electoral systems themselves, there are two broad approaches to thinking about what constitutes a good electoral system. These two approaches correspond to the

18 Although these categories are neither exhaustive nor fully exclusive, they do reflect some of the key differences between the most common electoral systems.

19 For more on mixed electoral systems, see below.

two broad families of electoral systems, and to two distinct conceptions of representative democracy.

According to the *proportional* approach, a good electoral system is one in which seats are distributed amongst different parties broadly in proportion to their popular support. This is based on a 'microcosmic' conception of representation, in which the purpose of a democratic assembly is to be a microcosm of society as a whole, reflecting its social and political diversity. As John Adams, one of the authors of the US Constitution, put it, the legislature 'should be an exact portrait, in miniature, of the people at large'.[20]

Today, this is broadly the approach taken by organizations like the Electoral Reform Society, and by the campaign group 'Make Votes Matter', who argue that 'seats in parliament should reflect how people vote'.[21]

By contrast, the *majoritarian* approach holds that a good electoral system should not aim to reflect the diversity of political preferences, but should instead be designed to secure the election of direct representatives at the local level, and a single-party government at the national level. This reflects a 'principal-agent' view of representation, which sees the purpose of elections as the selection of leaders rather than the expression of opinion. As the economist and democratic theorist, Joseph Schumpeter, put it, 'if acceptance of leadership is the true function of the electorate's vote, the case for proportional representation collapses because its premises are no longer binding'.[22] What matters is therefore not the accurate expression of the electorate's preferences, but the existence of a relationship of direct accountability between politicians and voters. For advocates of the majoritarian approach the crucial feature of a good electoral system is the ability of electors to 'toss the bums out'.[23]

The Case for First-Past-the-Post

From a proportional or microcosmic perspective, the case for FPTP is extremely weak. Because under FPTP election occurs in single-member districts in which there can be only one winner, parties achieve representation in parliament only when they win the most votes in particular constituencies, no matter how much support they command across the country at large. It therefore does not generally produce proportional outcomes, rather overrepresenting the more popular parties, and the parties whose support is highly geographically concentrated, and underrepresenting smaller parties, especially those whose support is more diffuse.

At the 2015 General Election, for instance, the Conservative Party won 50.8% of the seats, despite winning only 36.8% of the vote, while the UK Independence Party won a mere 0.2% of the seats, despite winning fully 12.6% of the vote. The Scottish National Party, meanwhile, due to its highly

20 Quoted in I. McLean, 'The Jenkins Commission and the Implications of Electoral Reform for the UK Constitution', Government and Opposition, 34(2), (1999), p.145.

21 'Proportional Representation', https://www.makevotesmatter.org.uk/proportional-representation, [accessed March 2019].

22 J. Schumpeter, Capitalism, Socialism, and Democracy, (London, 1943), p.273.

23 For spirited academic defences of majoritarianism making this argument, see J. Forder, The Case Against Voting Reform: why the AV system would damage Britain, (Oxford, 2011); J. Pepall, Against Reform, (Toronto, 2010); or M. Pinto-Duschinksy, 'Send the Rascals Packing: Defects of Proportional Representation and Virtues of the Westminster Model', Representation – a journal of representative democracy, 36(2), (1999).

concentrated support, was able to win 8.6% of seats despite winning only 4.7% of the vote. Some voters thus find themselves with their preferences much more poorly represented in parliament than others.

Moreover, this system enables the government to frequently be entirely controlled by a party (or parties) which won the support of only a minority of voters. After the 2015 election, the Conservative party was able to form a single-party majority government despite winning the support of fewer than 37% of electors, while after the 2017 election the Conservatives came together with the Democratic Unionist Party to form a majority, despite their combined vote total amounting to merely 43.3% of votes cast. Indeed, since 1945 only one government has been formed by parties which commanded a majority of the votes at the preceding General Election.

Finally, in addition to the discrepancies between votes and seats when it comes to partisan representation, numerous studies have indicated that FPTP is less likely than other electoral systems to generate a parliament that is demographically reflective of the country at large. This is certainly not contradicted by the current make-up of the House of Commons, in which white men continue to predominate: only 208 out of our 650 MPs are women, while only 52 are BME.[24]

Those committed to a microcosmic conception of democracy have therefore always opposed FPTP, and advocated its replacement with a more proportional electoral system.

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From the majoritarian or principal-agent perspective, however, these concerns are of secondary importance at best. What matters is simply whether FPTP delivers an effective government which voters can hold to account. Crucially, it is in majoritarian terms that the case for FPTP has always been made.

Back in the 19th century the constitutional theorist Walter Bagehot defended plurality elections on the grounds that only they could produce strong governments, while more recently the economist James Forder began his book-length defence of FPTP, published in anticipation of the 2011 Alternative Vote Referendum, by explicitly rejecting the microcosmic conception of democratic representation and advocating a majoritarian view.[25] As John Curtice has put it, 'The single-member plurality system has been defended not on the grounds that it produces a fair result, but rather that it enables the electorate to choose between alternative governments and that it encourages governments to be responsive to the wishes of the electorate'.[26]

Majoritarian defences of FPTP generally contain a number of distinct arguments, however, which it is important to disaggregate:

With regard to its operation at the constituency level, defenders of FPTP argue that single-member districts create a direct link between voters in each constituency and their own specific representative in parliament, and that this direct relationship allows MPs to be held individually accountable by their electors.

With regard to its working at the systemic or

24 A. Renwick, 'The Performance of the Electoral System', http://www.electionanalysis.uk/uk-election-analysis-2017/section-1-context/the-performance-of-the-electoral-system/, [accessed March 2019]. There would need to be approximately 85 BME MPs to match the proportion of the UK population who identified themselves as BME in the last (2011) census.

25 W. Bagehot, The English Constitution, (London, 1873); J. Forder, The Case Against Voting Reform.

26 Cited in 'Democracy, Representation, and Elections', p.18.

national level, defenders of FPTP make a number of more contentious claims to argue that it generates a desirable form of democratic politics. These claims are as follows:

- FPTP produces single-party majority governments, which are more cohesive and effective than coalition or minority governments would be;
- FPTP provides voters with a clear choice between distinct alternative governments, enabling them to hold incumbent governments to account;
- FPTP has an integrative effect on UK politics, ensuring a nationally-focused political debate and preventing political fragmentation and balkanisation;
- FPTP creates healthy incentives for political parties, forcing them to make a broad appeal rather than targeting narrow sectional interests;
- FPTP prevents extreme politicians from holding seats in parliament, and ultimately from acquiring power.

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So how far do these arguments stand up?

When it comes to the working of FPTP at the local level, critics have challenged the significance of this direct link between voters and MPs under FPTP, pointing out that a large proportion of voters, approaching 50% in the UK, are represented by MPs they did not personally vote for. Moreover, they argue the existence of numerous 'safe seats' consistently won by the same party undermines the idea that FPTP leads to individual accountability. Nonetheless, it is undeniable that FPTP, by its very nature, establishes a direct link between electors and their own MP, and gives them the opportunity, even if one not widely used, to hold them to account.

When it comes to the working of FPTP at the national level, the situation is considerably more complex. Crucially, the arguments made in this regard all involve the idea that politics will be based around two dominant political parties. They therefore rely on two assumptions: firstly, that a FPTP electoral system guarantees that politics is based around a stable two-party system, and secondly that the preservation of two-party politics guarantees the outcomes discussed above. These are assumptions that require interrogation.

Electoral Systems and Party Systems

The relationship between electoral systems and party systems has been extensively investigated by political scientists. Most famously, in 1954, the French political scientist Maurice Duverger posited what has come to be known as 'Duverger's law': the now-commonplace idea that 'the simple majority [plurality] system favours the two-party system'.[27]

Duverger identified two causes of this phenomenon: the 'mechanical effect' of FPTP awarding seats only to those parties capable of winning the most votes in individual districts, and the 'psychological effect' of electors strategically choosing to cast their votes only for parties they believe have a chance of winning in any given district. He also set out a broader analysis of the relationship between electoral systems and party systems, arguing that while the plurality system produced a two-party system, proportional electoral systems encouraged fragmented multi-party systems.

27 M. Duverger, Political parties, their organization, and activity in the modern state, (New York, 1954), p.235.

However, contrary to some characterizations, Duverger did not believe that electoral systems alone determined the shape of party systems. Instead, he argued that 'the influence of ballot systems could be compared to that of a brake or an accelerator... the multiplication of parties, which arises as a result of other factors, is facilitated by one type of electoral system and hindered by another.'[28] The 'other factors' he identified as determining the potential number of parties in any given national party system were the politically-salient social, cultural, ethnic, or economic divides ('cleavages') within the electorate.

The effects exercised by electoral systems on party systems are thus restrictive rather than causal, with the plurality system generally exercising a strong restrictive effect on the number of parties, and proportional systems largely allowing social cleavages to determine the party system unhindered. As the political scientists William Roberts Clark and Matt Golder put it: 'Electoral institutions determine how accurately party systems reflect existing social cleavages through the strategic incentives that they create for both elites and voters.'[29]

More recent research has largely validated this perspective: quantitative empirical studies by Octavio Amorim Neto and Gary Cox (1997), and by Clark and Golder (2006), both identified a clear interactive effect between social cleavages and electoral institutions in determining the number of parties in a party system.[30]

However, political scientists have also added a number of caveats to Duverger's theories:

Firstly, although Duverger formulated his law with the national-level party system in mind, it is in fact at the constituency level, the level at which seats are actually awarded, that his law concerning the encouragement of a two-party system applies. Although this generally translates into an equivalent effect at the national level, this is not always the case. India and Canada are both countries where the FPTP system has resulted in multiple distinct two-party systems operating simultaneously in different parts of the country, leading to a multi-party system at the national level.

Secondly, there are a number of necessary conditions that must be fulfilled for what Duverger called the 'psychological effect' of the plurality system – i.e. its encouragement of strategic voting - to apply: these are a) that voters are short-term instrumentally rational, b) that they have good knowledge of which candidates are viable contenders, c) that they do not believe one candidate is certain to win, and d) that they are not so attached to their first choice of party that they are effectively indifferent among the rest.[31]

Overall then, although majoritarian electoral systems such as FPTP do exercise a clear restrictive effect on the number of parties in a party system, they do not necessarily guarantee the existence of two-party politics at the national level.

28 Ibid., p.209.

29 W.R. Clark & M. Golder, 'Rehabilitating Duverger's Theory: Testing the Mechanical and Strategic Modifying Effects of Electoral Laws', Comparative Political Studies, 39(6), (2006) p.683.

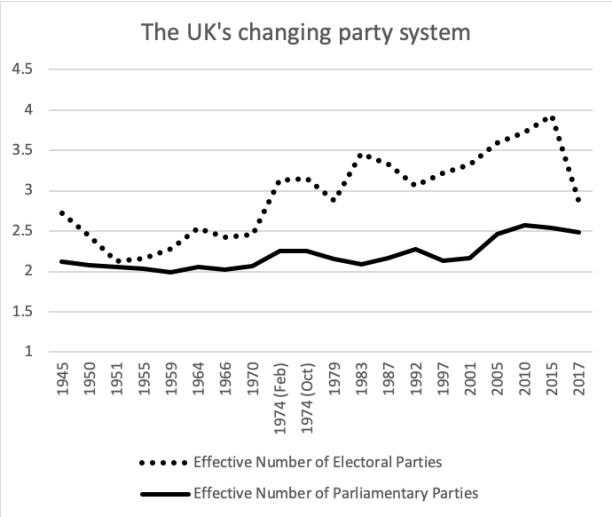
30 O.A. Neto & G. Cox, 'Electoral Institutions, Cleavage Structures, and the Number of Parties', American Journal of Political Science, 41(1), (1997); Clark & Golder, 'Rehabilitating Duverger's Theory: Testing the Mechanical and Strategic Modifying Effects of Electoral Laws'.

31 See G. Cox, Making Votes Count – Strategic Coordination in the World's Electoral Systems, (Cambridge, 1997).

FPTP and the Two-Party System in the UK

This theoretical background helps us understand the impact of FPTP on the party system in the UK, and how this has evolved over time.

The changing party system is illustrated in the figure below, using the Effective Number of Parliamentary Parties Index, and the Effective Number of Electoral Parties Index – two indices used by political scientists to measure the number of parties in a party system:[32]



Data taken from M. Gallagher, 'Electoral Systems', https://www.tcd.ie/Political_Science/people/michael_gallagher/ElSystems/, [accessed March 2019].

In the immediate post-war years, FPTP and an electorate divided primarily by a single cleavage (social class) reinforced each other to ensure a rigid two-party system. Between them, Labour and the Conservatives regularly received over 90% of votes and over 98% of seats, and in both the electorate and parliament the Effective Number of Parties barely exceeded 2. Indeed, this two-party system was sufficiently absolute that political scientists were able to speak of a 'Cube Law' governing election results, which stated that seats were distributed between the main two parties according to the ratio between the cubes of each of their share of the two-party vote, thus guaranteeing the larger party a 'winner's bonus'.

From the mid-1970s, social fragmentation and the emergence of new cleavages beyond class and economics put the party system under pressure: the Labour-Conservative duopoly was increasingly challenged by the Liberal Party, and by the Scottish and Welsh nationalist parties, and support for the two main parties fell to an average of around 75%. Between 1974 and 1992, the Effective Number of Electoral Parties averaged 3.2.

In the face of these changes, FPTP began to exercise a clear restrictive impact. This was to a large extent mechanical, and reflected by an increasing discrepancy between votes and seats: despite their decline in support, Labour and the Conservatives continued to hold over 90% of parliamentary seats between them, and the Effective Number of Parliamentary Parties averaged only 2.2. This discrepancy, and the restrictive impact of FPTP, only grew greater from 1997 onwards. By the 2015 election, which saw unprecedently high results for both the Green Party and UKIP, the Effective Number of Electoral Parties was nearly 4, while the Effective Number of Parliamentary Parties continued to barely reach 2.5.

Strikingly, though, the 2017 election appeared to buck this trend: although no party won a majority, and the Effective Number of Parliamentary Parties remained around 2.5, the combined vote share of the two main parties jumped from 67.3% to 82.4%,

32 The Effective Number of Parties was devised in 1979 by Markku Laakso and Rein Taagepera as a measure of the number of political parties in a given system that takes into account their relative strength. It can be applied either to vote shares, giving the Effective Number of Electoral Parties, or to seat shares, giving the Effective Number of Parliamentary Parties.

bringing the Effective Number of Electoral Parties down to 2.9.

However, we should be wary of concluding that the coherent two-party electoral politics of the past has returned. For a start, there is evidence that a significant cause of this result was an unusually high psychological effect exerted by FPTP, with survey data suggesting that up to one in six votes were cast tactically.[33] Moreover, in addition to strategic voting on the part of electors, there was also strategic withdrawal on the part of political parties, with the Greens unilaterally deciding to stand in 81 fewer constituencies than they had previously.

Perhaps more importantly, the underlying axes of political division in the UK remain at odds with two-party politics. Class voting, already strongly in decline, dropped sharply in 2017, and today the traditional categories of social class, once the most accurate determinant of an individual's vote, now have no predictive power. Instead, the key sociological divisions are now around age, income, and education, which link to new political cleavages based on 'values'.[34] Political scientists disagree on the exact nature of the new values cleavages: Paula Sturridge uses a two-axis model, arguing that the electorate is now split as much between liberals and authoritarians as it is between left and right; David Sanders uses cluster analysis of values around 'Authoritarian Populism' to posit that the electorate is now grouped into five 'tribes' defined by their relationship to these values; in their recent report on 'fractured politics', the polling firm BMG research contends that the British electorate is best understood as divided into ten 'value and identity clans'.[35] Whichever of these models is most accurate, it is at least clear that the cleavages within the electorate do not map neatly onto the party system. It should be unsurprising then that party identification remains historically low at around 10%, while both party leaders are regularly outpolled by 'don't know' when it comes to voters' preference for PM.[36]

Crucially, Brexit has drastically compounded this situation, creating major new 'Remain' and 'Leave' political identities that cut through the traditional Labour-Conservative economic division, and coincide instead with the new cultural cleavages. Recent survey data suggests that these identities are now considerably stronger than traditional party allegiance, with 44% of British voters feeling a strong 'Remain' or 'Leave' identity, compared to only 9% who identify strongly with a political party.[37]

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What we can see then is that despite important shifts within the electorate, FPTP has successfully preserved the dominance of two long-standing parties within British politics.

33 'The 2017 General Election: Volatile Voting, Random Results', p.15.

34 J. Curtice, 'General Election 2017: A New Two-Party Politics?', Political Insight, 8(2), (2017); C. Curtis, 'The Demographics Dividing Britain', https://yougov.co.uk/topics/politics/articles-reports/2017/04/25/demographics-dividing-britain, [accessed March 2019].

35 P. Sturridge, 'How the left was won', https://medium.com/@psurridge/how-the-left-was-won-3e5f96399dc7, [accessed March 2019]; D. Sanders, 'The UK's changing party system: The prospects for a party realignment at Westminster', Journal of the British Academy, 5, (2017); M. Turner, R. Struthers, C. Terry & C. McDonnell, 'Fractured Politics A new framework for analysing political division in Britain, based on clans of values & identity', (BMG research paper, 2017).

36 J. Curtice, 'The Emotional Legacy of Brexit: How Britain became a country of 'Remainers' and 'Leavers', (NatCen Research Paper, 2018); YouGov, 'Best Prime Minister', https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/3exepqk5a6/YG%20Trackers%20-%20Best%20Prime%20Minister.pdf, [accessed March 2019].

37 Curtice, 'The Emotional Legacy of Brexit: How Britain became a country of 'Remainers' and 'Leavers'.

This is not, however, a vindication of the arguments made in the system's defence: the kind of two-party system we see in Britain today works very differently from the cohesive two-party system of the past, when the effect of FPTP was merely to reinforce political sociology. Now that the electoral system is working in opposition to the structures of political division within the electorate, what we have is a dysfunctional two-party system, one which no longer accurately reflects the key social and political divides of contemporary Britain, and thus no longer delivers the benefits that two-party politics are supposed to provide.

Integrating British Politics and Preventing Fragmentation?

When it comes to fragmentation, the mechanical effect of FPTP does produce a parliament dominated by two large parties. However, the psychological effect has clearly not generally proven sufficient to cohere the electorate into two clear blocs: as we have seen, up to one third of voters regularly cast their ballots for minor parties.

This fragmentation has gone hand in hand with regional polarization, with election results in different parts of the country progressively diverging from one another. Strikingly, the 2015 and 2017 elections both saw a different political party win the largest number of votes and seats in each of the United Kingdom's four constituent nations: the SNP in Scotland, Labour in Wales, the Conservatives in England, and the Democratic Unionist Party in Northern Ireland. In fact, the political differences among regions are now so great that some political scientists have argued that rather than talking about the UK party system in the singular, we should see UK politics as featuring a number of distinct, if overlapping, regional party systems.[38]

Far from constraining this balkanization of British politics, FPTP has in fact exacerbated and entrenched these geographic divides. This is because by disproportionately awarding seats to the largest parties in each region, the electoral system exaggerates the political differences between them. At the 2017 election for instance, nearly 90% of the MPs elected in the North East were Labour, despite the Conservatives winning 34.5% of the vote in that region, and nearly 90% of those elected in the South West were Conservatives, although Labour won 29% of the vote there. Some of the most striking regional disproportionalities occurred in the 2015 General Election: in Scotland, the SNP were able to win 56 out of 59 constituencies, creating a political map dramatically different from the rest of the UK, despite winning less than 50% of the overall Scottish vote; in the South East, the Conservative Party won 78 of the 84 constituencies on the basis of 51.6% of the vote.

As a result of this, although in parliamentary terms we have a national two-party system, we have no truly 'national' parliamentary parties. The Conservatives are poorly represented in the cities, in the north of England, and outside of England, and their parliamentary party is dominated by MPs from the South and East of England. Labour meanwhile has very little representation in the countryside, in Scotland, and in the South of England, and its parliamentary party is dominated by MPs from the North of England. In England, the regional nature of our political parties is particularly

38 P. Dunleavy, 'Facing up to multi-party politics: How partisan dealignment and PR voting have fundamentally changed Britain's party system', Parliamentary Affairs, 58; R.J. Johnston, C.J. Pattie, & J.G. Allsop, A Nation Dividing? The Electoral Map of Great Britain, 1979–1987, (London, 1987).

evident at the local level, where FPTP is also used: of the 36 Metropolitan borough councils, 8 have no Conservative representation at all, while of the 201 district councils, 65 have no Labour councillors.

This lack of national parties is a damaging development for our politics, and flies in the face of the majoritarian logic that is used to justify FPTP. Perhaps most importantly however, as several observers have noted, this poses a serious threat to the existence of the Union.[39] For a start, FPTP makes Wales and above all Scotland appear more politically dissimilar from the rest of the UK than they actually are, lending credence to separatist rhetoric. Moreover, the differing political outcomes across the UK's different nations mean that governments can credibly be presented as being imposed on one part of the country by another. Back in 2010, Guy Lodge of the Institute for Public Policy Research warned that FPTP could trigger a constitutional crisis should a government be formed lacking a mandate in one or more of the UK's constituent nations. Indeed, during the 2014 independence referendum in Scotland, the fact that the governing Coalition parties held but 12 of Scotland's 59 seats, and the Conservative Party but 1, was repeatedly cited by the SNP as a key justification for independence.[40]

FPTP then does not exercise a centripetal force in British politics, drawing the country together into a stable two-party system, but a centrifugal one, exaggerating regional differences and straining the bonds between the constituent nations of the United Kingdom.

It is notable that Canada, where FPTP is also used, has faced similar issues in this regard. Quebec separatism, which has at times come perilously close to splitting Canada apart, has historically been boosted by the way in which FPTP exaggerated the differences between election results in Quebec and elsewhere. Most strikingly, in the 1993 Canadian general election, despite winning only a minority of the Quebecois votes, separatists won almost every seat in the province, which directly contributed to the holding of a closely fought independence referendum two years later. Indeed, long before this the 1979 government Taskforce on Canadian Unity had warned of the potential for this problem, and urged the introduction of a proportional element to Canada's electoral system to overcome regional division.[41]

Good Incentives for Political Parties?

A further effect of geographical fragmentation is to undermine the good incentives for political parties supposedly produced by FPTP.

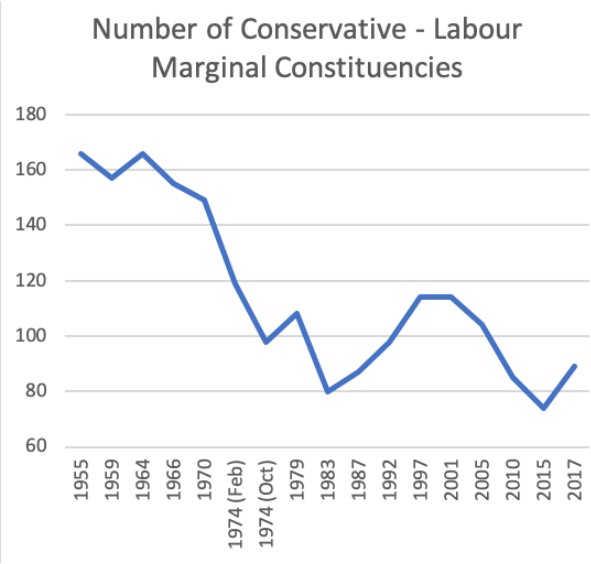
Crucially, because British politics is increasingly balkanised, and thus party strengths geographically concentrated, the number of 'marginal seats' has markedly diminished. As John Curtice recently put it, regional polarization 'eventually had the effect of making one half of the country increasingly safer for Labour, the other half more of a bulwark for the Conservatives, with the result that there were fewer

39 T. Oliver, 'The First-Past-the-Post electoral system is breaking up the UK', http://www.democraticaudit.com/2015/05/06/the-first-past-the-post-electoral-system-is-breaking-up-the-uk/, [accessed March 2019], K. Stolz, 'Unionism Vs self-interest: would MPs support Proportional Representation?', https://blogs.lse.ac.uk/politicsandpolicy/core-values-vs-self-interest-should-mps-support-proportional-representation/, [accessed March 2019].

40 G. Lodge, 'Why has no one noticed that a hung parliament would trigger a constitutional crisis in England?', https://www.huffpost.com/entry/why-has-no-one-noticed-th_b_560107.

41 J-L. Pepin & J.P. Roberts, The Task Force on Canadian Unity - A future together: observations and recommendations, (Ottawa, 1979).

seats where both parties were relatively strong—and thus marginal between them.' Indeed, he has calculated the number of Labour – Conservative marginals at the last three general elections to have been consistently fewer than 90 constituencies.



Data from J. Curtice, 'How the Electoral System Failed to Deliver Again', Parliamentary Affairs, 71, (2017). Labour – Conservative marginals are defined as those where the Conservative share of two-party vote lies within the range 45% -55%.

The consequence of this significant reduction in the number of marginal seats is that both parties are incentivised not to make a broad appeal to the country at large, but rather to target the narrow slice of the electorate who reside in these key constituencies.

Coherent, Single-Party Governments?

Perhaps most damaging for the defence of FPTP is the system's evident failure to consistently deliver single-party majority governments. Both the 2010 and 2017 general elections delivered hung parliaments, while the Conservative majority produced at the 2015 general election was wafer thin. Crucially these were not freak results. Instead, their causes can be located in the underlying shifts that have occurred within the electorate over the past decades.

For the old Cube Law to apply, and the largest party to receive a 'winner's bonus' big enough to provide them with a working majority of seats, two conditions must be in place: firstly, the electoral landscape must dominated by two major parties; secondly, the votes of these parties must be broadly evenly distributed across the country, so as to create a large number of marginal constituencies capable of being won by either party. In the early post-war years, this was very much the case: approximately 90% of votes went to Labour or the Conservatives, and the standard deviation in the Conservative share of the two-party vote across constituencies averaged fewer than 14 percentage points.[42] As we have seen above however, these conditions are no longer in place today.

Firstly, a considerable chunk of the electorate consistently opts to vote for the minor parties. Since 1997, this has ensured the election of at least 70 MPs in parliament representing neither Labour nor the Conservatives, and this significant bloc of MPs is in itself an impediment to the achievement of a majority by either major party. Although the total third-party vote share decreased at the last two elections, its parliamentary significance was largely preserved as a result of its greater geographic concentration – above all in Scotland where the SNP was on both occasions able to convert its relatively small UK-wide vote share into a large number of seats.

Secondly, the votes of the two main parties are today

42 Data from Curtice, 'How the Electoral System Failed to Deliver Again'.

highly unevenly distributed across the country: overt the last three elections, the standard deviation in the Conservative share of the two-party vote across constituencies averaged over 20 points. This has contributed significantly to the precipitous decline in marginal constituencies, which in turn means that a much greater lead in votes is required for either one of the major parties to take the number of seats necessary to achieve a majority. Before the 2010 election for instance, it was calculated that the Conservatives would have needed a lead over Labour of 11.2 percentage points to win an outright majority, and in the event their lead of 7.1 points did indeed prove insufficient.[43]

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Moreover, to the extent that FPTP does deliver single-party governments, these are no longer particularly 'effective' or 'cohesive' as FPTP advocates would claim. Our parties today are divided and unruly, and this is reflected in the increasing rebelliousness of MPs. The 2005-2010 parliament, in which there was a single-party Labour majority of 66, was nonetheless more rebellious than any previous parliament in the post-war era, and today Theresa May's Conservative government has faced backbench rebellions on a higher proportion of votes than any previous post-war Conservative administration.[44] Moreover, on January 15 2019, May was defeated by 230 votes in the parliamentary division on her EU Withdrawal Agreement, the largest government defeat in the entire history of parliament.

The fact that our political parties today are far from united cannot therefore be ignored when we consider the merits of single-party government. Indeed, research by the political scientists Matteo Migheli and Guido Ortona found that by various measures of government strength, majority governments frequently proved weaker than coalition governments, and that this could largely be explained by the strength of factions within majority parties.[45] This finding is clearly relevant to the UK, since today factions play an extremely significant role within our main political parties. Enormous damage has been inflicted on Prime Minister May's Brexit strategy by the organized 'European Research Group' faction of Conservative MPs, while the Labour Party continues to play host to an ongoing factional struggle between supporters of Jeremy Corbyn's leadership and his vocal opponents in the Parliamentary Labour Party. Unsurprisingly, at the end of 2017 73% of the public saw the Conservative Party as divided, with 62% saying the same for Labour.

Clear Choices and Accountability?

The increasingly divided nature of our political parties, as well as reducing the effectiveness and coherence of single-party governments, calls into the question the clarity of voter choice and the efficacy of general elections as a means of accountability.

Under FPTP, voters are supposed to be presented with a straight choice between two alternative

43 J. Curtice, 'So What Went Wrong with the Electoral System? The 2010 Election Result and the Debate About Electoral Reform', Parliamentary Affairs, 63(4), (2010).

44 S. Newey, 'How Theresa May's Tory government is the most divided of the post-war era', https://www.telegraph.co.uk/politics/2018/08/15/theresa-mays-divided-tory-government-post-war-era/, [accessed March 2019].

45 M. Migheli & G. Ortona, 'Plurality, proportionality, governability and factions', Representation – a journal of representative democracy, 47(1).

governments, the incumbent and the opposition, enabling them to pass judgement on the government and its policies, and to elect the opposition instead if they so choose. The current divides within our parties however, mean that this is no longer what many voters are presented with. Instead, the 'straight choice' provided by FPTP is increasingly muddled by the opposition of many MPs and candidates to their own party's leadership and policies. At the last election we even saw several incumbent Labour MPs successfully run for re-election while explicitly not supporting the leader of the Labour Party for Prime Minister.

This kind of problem is particularly evident with regard to the issue of Brexit, where the divide runs through both parties as much as it does between them. As a result, simply voting for one of the two main parties is not an effective or clear way for voters to express their stance on the issue. For instance, would votes cast for Conservative MPs who oppose the Withdrawal Agreement be votes in support of the government and its policies, or votes against? Likewise, were votes cast at the last election for Labour MPs who voted against the triggering of Article 50 votes in favour of stopping Brexit, or in favour of implementing it as per the Labour manifesto?

This lack of clear choice is further exacerbated by the fractured nature of the UK's party system(s): in many constituencies, the practical choice facing voters is not between the governing party and the main opposition, but between a major party and a minor one, or even between two minor ones. In fact, at the 2010 General Election, Labour and the Conservatives were the top two parties in fewer than 45% of constituencies.[46]

Keeping Out Extreme Voices?

Finally, the changing nature of our main political parties means that FPTP can no longer be relied upon to act as a bulwark against populism, keeping the extremes out of parliament and ensuring the dominance of moderate politics. This is because the preservation of a two-party system as a means to keep extreme voices out of parliament relies on the parties themselves to act as the gatekeepers of the political system, and to suppress political radicalism. This is a role that Britain's main parties are no longer willing or even able to play.

Using rational-choice models of party behaviour, it is a reasonable conjecture that the parties in a two-party system will avoid extremism, as their policies and strategies will be determined by the need to appeal to the median voter in order to win power.[47] However, these models do not account for a key feature of our political parties today: their internal democracy. Today, the leadership of our political parties is to a large extent a choice belonging to party members: in the Conservative Party, they select between two candidates chosen by MPs, and in the Labour Party, they select among all candidates who secure a sufficient number of nominations from MPs, trade unions, and constituency parties.

Given that Labour Party members are on average considerably to the left, and Conservative Party members considerably to the right, of the public at large, this internal democracy has the effect of driving both parties to the extremes. Recently, the uncompromising attitude on Brexit of Conservative politicians such as Boris Johnson has been explained

46 J. Blumenau & S. Hix, 'Britain's evolving multi-party system(s)', https://blogs.lse.ac.uk/politicsandpolicy/britains-evolving-multi-party-systems/.

47 A. Downs, An Economic Theory of Democracy, (New York, 1957).

by their perceived need to appeal to the preferences of party members. Perhaps most dramatically, both the 2015 and 2016 Labour Leadership elections saw the victory of Jeremy Corbyn, one of the most left-wing MPs in the party, despite the bitter opposition of the party establishment and a large majority of Labour MPs.

Moreover, today members of both main parties are increasingly flexing their powers to select parliamentary candidates at the local level, including refusing to reselect incumbent MPs. The MP Nick Boles resigned from the Conservative party after deselection proceedings were initiated against him by his local party, while several Labour MPs saw motions of no confidence passed against them by theirs. Moreover, much has been made in the press of the increasing radicalism of the candidates selected by both parties to contest marginal seats.

In these circumstances, FPTP can even abet extreme politics, since should a radical faction gain control of one of the major political parties, FPTP works to preserve that party's position. This is because the psychological effect of the plurality system disincentivises a major party's supporters from voting for a minor party in protest at its policies, since to do so would likely only help the major party's main rival. Rather than curtailing extreme voices, FPTP today empowers the (relatively) extreme voices of the Labour and Conservative party memberships.

A particularly striking example of extremes being empowered by FPTP has occurred outside the United Kingdom, in the United States. There, a combination of a highly institutionalized two-party system, a primary system that severely constricts the power of party elites in the selection of candidates, and a majoritarian electoral system, allowed Donald Trump, an extremist candidate with minority support, to be elected President. This is exactly the kind of result FPTP supposedly prevents, and demonstrates that it is in truth no defence against the extremes.

A Dysfunctional Two-Party System

Overall then, the main arguments that are made in defence of using FPTP for parliamentary elections in the UK no longer stand up to scrutiny in the current context. This is because although FPTP can preserve the institutional superstructure of a two-party system, it cannot preserve the sociological underpinnings within the electorate that once made it effective. Therefore, rather than ensuring a stable, integrative, majoritarian two-party politics, it simply prevents the party system from accurately reflecting the social and political divides of Britain today. Because the structure of our party system no longer reflects the structures of political division within the country at large, our political debate now occurs as much within the main parties as between them. This reduces their coherence, and leads to unstable governments and a lack of clear choice for voters at general elections.

The political crises of today are to a large extent a consequence of this fact: it was due to the divisions over Europe within his own Conservative Party that David Cameron called the 2016 EU Referendum, and it is these same divisions that have created such chaos over the Brexit process within this current parliament. Indeed, the divides within our parties are now so deep that this parliament has witnessed a split in both the Labour and Conservative Parties, with the departure of many prominent MPs to sit as Independents, and with the formation of the new Change UK party, in defiance of the strategic logic imposed by our electoral system. However,

the restrictive effect exercised on the development of UK politics by FPTP is likely to only become stronger post-Brexit with the future absence of elections to the European Parliament. Conducted using a PR system, European elections have to date provided an opportunity for small political parties to demonstrate their level of support in an election without the constricting impact of FPTP.

There is therefore a strong case to be made for the adoption of a more flexible electoral system, one that rather than artificially preserving the crumbling Labour-Conservative duopoly of the past, would instead allow the party system to freely evolve to meet the needs of the times.

Additional Problems: Bias and Manipulation

Before moving on to discuss the alternatives, it is worth noting that there are some additional disadvantages to FPTP beyond its failure to deliver the supposed benefits of majoritarianism, and its lack of proportionality. These are the issues of bias and of manipulation.

Bias is a distinct issue from disproportionality. It does not refer to when smaller parties receive fewer seats per vote, but to when a given overall vote share translates into significantly more seats if received by one party than by another.

This kind of bias has frequently occurred in British electoral history, resulting from the importance to the outcome of how any party's votes are distributed geographically across constituencies. In the early post-war period, the concentration of the Labour vote in industrial cities created a systemic bias towards the Conservative party, even leading to a 'wrong winner' outcome in 1951 when the Conservatives won a majority of seats despite winning fewer votes than Labour. Since the early 1990s, the bias has more often gone the other way. In 2010, for instance, the Conservative Party failed to win a majority, despite winning a greater share of the vote, and having a greater lead over other parties, than had been sufficient to give Labour a majority just five years earlier.

Whichever way the bias goes, it calls into question the responsiveness to the electorate of FPTP.

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The potential for bias within FPTP systems raises the additional problem of manipulation. Crucially, because the system's bias results from how votes are distributed across constituencies, FPTP is highly susceptible to 'gerrymandering', i.e. altering constituency boundaries in such a way as to produce a more favourable result for a particular party.

This is precisely what has occurred in the US, where highly partisan redistricting authorities have deliberately manipulated congressional boundaries to produce what is currently a significant bias in favour of the Republican Party. Although the UK benefits from independent, non-partisan Boundary Commissions, we still see trouble arising over what criteria should be used in redistricting. This is evident in the ongoing debates over the boundary reviews initiated by the Coalition government in 2011, which take as their starting point a House of Commons made up of 600 members rather than the current 650, include a strict requirement for equal-sized constituencies, and are alleged by some to be designed to benefit the Conservative Party.

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Importantly, the issues of bias and manipulation are both shared by all majoritarian electoral systems, in which only one party or candidate can win in

each district, and specific to these systems. Under proportional systems, the distribution of voters across districts is less significant, since seats are distributed (at least somewhat) proportionally within them.

Part II: Alternatives to First-Past-the-Post

This section discusses some of the main electoral systems that could potentially replace FPTP for elections to the Westminster House of Commons.

Alternative Majoritarian Systems

There are a number of electoral systems that share with FPTP the use of single-member districts, but differ in their electoral formula, and (in some cases) in their ballot structure. These systems would not break with the majoritarian logic of FPTP, but would nonetheless see voters electing their MPs in a different way.

The Alternative Vote (AV)

The most commonly discussed such system is the Alternative Vote. In this system, voters rank candidates numerically in order of preference, putting a 1 by their first choice, a 2 by their second choice, and so on, for as many preferences as they choose to express. It is therefore a 'preferential' system. Should no candidate receive a majority of first preferences, the candidate with fewest first preferences is eliminated, and their ballots redistributed to the next preferences expressed on them. The elimination of candidates and redistribution of their ballots continues until one candidate reaches a majority. The preferences expressed by voters are thus effectively used to carry out a series of runoff votes, and so AV is sometimes known as Instant-Runoff Voting.

Historically, AV has frequently been proposed for use at Westminster elections: it was recommended by the Royal Commission on electoral systems established in 1908, by the Speaker's Conference on electoral reform of 1916-1917, and was even passed by the House of Commons in 1930. Most recently, of course, it was proposed and rejected in the 2011 referendum.

Today, AV is used in the UK for by-elections of hereditary peers to the House of Lords, by-elections for Scottish local government, and the internal elections of multiple political parties. Outside the UK, Australia has used AV for elections to its House of Representatives since 1918.

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AV possesses some distinct advantages over FPTP. Firstly, at the constituency level, the runoff element of the system ensures that the individual representative elected commands broader support than they would need to under FPTP. This is because even if a candidate has the largest number of first preference votes, they will nonetheless be defeated in the final round on the basis of votes redistributed form eliminated candidates, if they are strongly opposed by a majority. So, compared with FPTP, AV makes it more difficult for extreme parties to win seats. Secondly, from the perspective of an individual voter, the preferential nature of AV allows for greater expression: above all, voters can express their genuine preference for a smaller party without fear of 'splitting the vote' and allowing in a candidate they detest, since once their preferred

candidate is eliminated their vote will be transferred to their next choice.[48]

However, AV would likely differ little from FPTP in terms of national-level impact. As a system based around single-member districts in which there can only be one winner, AV is no more a proportional system than FPTP, and would generate the same geographic distortions. Most importantly, AV would also exercise no less of a restrictive impact on the development of the party system: although it lacks FPTP's 'psychological effect' of incentivising voters not to support smaller parties, its 'mechanical effect' of underrepresenting smaller parties (and thus over the long-term disincentivising splits) is just as great. This is because the requirement that the winner in each constituency win a majority, either in the first round or after a runoff, is in no way inherently easier for a small party to meet than the requirement for a simple plurality. These presumptions are empirically supported: not only is Australia's two-party system just as entrenched as the UK's, despite both main parties suffering from constant internal strife, but studies of AV's use in provincial elections in Canada found it had little impact on either proportionality or the Effective Number of Parliamentary Parties.[49]

Finally, AV brings its own problems. Ranking candidates is seen by many as an overly complicated procedure, and the mechanism of instant runoffs by which preferences are converted into outcomes is, in the UK at least, poorly understood. This was demonstrated during the 2011 referendum, above all by the widespread acceptance of the erroneous idea that AV would involve giving 'extra votes' to supporters of smaller parties. Most importantly of course, it cannot be ignored that, for all the 2011 referendum's flaws as a process, it did result in AV being decisively rejected by the British people.

The Supplementary Vote (SV)

The Supplementary Vote is essentially a modified form of AV. The only difference is that under SV electors are only able to express a first and a second preference: Should no candidate achieve a majority of first preferences, all candidates except the top two are immediately eliminated and their ballots redistributed to the second preferences expressed on them; after this redistribution, the remaining candidate with the highest vote is declared the winner.

The system was originally devised by the Labour MP Dale Campbell-Savours in 1989, who successfully persuaded Labour's Working Party on Electoral Systems to advocate it for Westminster elections in the 1993 Plant Report. Although this proposal to use SV for elections to the House of Commons was never taken up by the Labour Party, Labour did introduce SV for use in Mayoral elections, most prominently in London, but also elsewhere.

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The overall impact of introducing SV for Westminster elections would be little different from that of AV. Like AV, SV would not bring about proportionality, nor would it address the failings of our current majoritarian electoral system.

SV's proponents argue that the limit of two preferences means SV avoids the complications

48 It untrue to claim, however, as some advocates have done, that AV eliminates tactical voting entirely. There are many situations under AV when voters will be incentivized to give high preferences to those candidates they believe to be most capable of defeating their least favoured candidates in the final round, rather than to their genuine top choices.

49 See for instance H. Jansen, 'The Political Consequences of the Alternative Vote: Lessons from Western Canada', Canadian Journal of Political Science, 37(3), (2004).

of AV, and is simpler for electors to understand and use. However, this overlooks the fact that SV actually introduces more strategic complexity to voting: in order to make effective use of their second preference vote, voters need to assess which candidates are likely to be in the final two. As this is not always clear, supporters of eliminated candidates are frequently found to have expressed second preferences for other candidates who do not make it into the final two. These ballots are thus wasted, and the electors who cast them denied a say between the final two candidates.

This has proven to be a serious problem in practice: in the 2017 West of England Mayoral election, when the similar strength of the Labour, Conservative, and Liberal Democrat parties made it hard to predict which candidates would be amongst the final two, a majority of the second preferences expressed by the supporters of candidates who were ultimately eliminated ended up being for other eliminated candidates. Even in the 2016 London Mayoral election, when the top two candidates should have been clear, nearly 300,000 ballots (11.3% of the total) were wasted in this way, with both first and second preferences cast for eliminated candidates.

It is hard to argue then that SV is an improved version of AV, rather than a more flawed form of it. Indeed, these wasted second preferences even remove the strongest selling point of AV – that the ultimate winner is a genuine runoff winner. Under SV, we cannot always know which of the final two candidates would have won in a straight contest between the two, since not every voter was given the chance to express a preference between them.

The Two-Round Systems (2RS)

Two-round systems, (also known as the Double Ballot) are those in which voters cast their ballots on two separate occasions, each time for a single candidate within a single-member constituency. Between the two rounds, candidates who fail to meet a set threshold are eliminated, and other candidates may also choose to drop out.

Obviously, the level of threshold is a very significant feature of any 2RS. Many countries use a 2RS for presidential elections, in which only the top two candidates in the first round are able to proceed to the second round. Where the 2RS has been used for parliamentary elections however, it has usually featured a much lower threshold, of around 0 – 20% of the first-round vote. Today, the 2RS is used for parliamentary elections in France, and the threshold is 12.5% of registered voters (depending on turnout generally equating to around 15% of the first-round vote). It is this kind of 2RS, in which the threshold is relatively low, that will be discussed in this subsection.

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The 2RS is a system that has been little considered in the UK. When it has been mentioned, such as very briefly in the Jenkins Report, the Plant Report, and the British Academy's 2008 paper on electoral systems, it is always only to be quickly dismissed as little more than a 'variant of AV'.[50] However, numerous political scientists have resisted this description of the 2RS, with Giovanni Sartori even going so far as to claim that 'to argue that the double ballot is a variant of the alternative vote is like arguing … that an eagle is a variant of

50 'Democracy, Representation, and Elections', (Interim Report of the Working Party on Electoral Systems, Labour Party, 1991); The Report of the Independent Commission on the Voting System Cm 4090; S. Hix, R. Johnston, I. McLean, 'Choosing an Electoral System', (British Academy Research Report, 2010).

a fly'.[51] Crucially, in a 2RS where the threshold for participation in the second round is relatively low, the 'final stage' in a 2RS will not always be between just two candidates, as it is in a preferential system. Moreover, the central feature of the 2RS – that the voter casts a ballot on two separate occasions - has important effects that distinguish it from AV/SV, and indeed from FPTP.

Firstly, the 2RS creates very particular incentives for political parties. Because more than two parties will often be eligible to compete in the second round, vote splitting is a serious risk. Parties are therefore incentivized to form reciprocal alliances, where one party withdraws in some constituencies, in return for the other party doing the same elsewhere. This works to the advantage of small parties, who are provided with 'blackmail potential': although a small party might not be large enough to win a second round unaided, they can threaten a larger party with the prospect of running as a spoiler, and so pressure it into forming an alliance that will give the small party the chance to secure some parliamentary representation. This is what has historically occurred in France, where small left-wing parties such as the Greens and the Radicals were frequently able to secure meaningful parliamentary representation through agreeing reciprocal alliances with the larger Socialist Party.

Because the 2RS therefore helps small parties gain a foothold in parliament, it encourages the development of a multi-party system, makes it easier for new parties to emerge, and so allows for party system change. However, this would not make it a step towards proportionality: the 2RS is no more proportional than FPTP, and not only does it discriminate against small parties that are not part of a larger bloc, but it also discriminates against extreme parties, which are likely to both lack allies and be rejected by a majority of voters in a second round. In France, the system has proven a major obstacle to the far-right National Front, which despite normally winning over 10% of the vote in the first round, has never won more than 1.3% of seats and has frequently failed to win any.

Moreover, because small parties are helped through their ability to negotiate alliances, the 2RS does not encourage the kind of political fragmentation we might associate with a more flexible electoral system and a more multi-party system. Instead, the need for alliances incentivises parties to coalesce into two broad blocs. In France, every parliamentary election since (and including) 1993 has seen a majority achieved by a bloc formed before either the first or second round, and the last four have also seen the largest party within the winning bloc obtain a majority of seats.

The 2RS also provides distinct opportunities to voters. Firstly, in the first round, the voter is accorded a great deal of freedom to vote honestly for the political party of their choice, knowing that they will be able to decide tactically between a number of choices in the second round. In this sense, it is similar to the use of first preferences under AV or SV. Secondly though, the fact that the second round of voting occurs after the first round (rather than simultaneously as under AV or SV) means that voters are able to cast their second vote on the basis of substantially more information. This is information not only about the relative strength of the different parties, but also about the relationships among them, because between the two rounds parties may have formed into alliances. Crucially, the formation

51 G. Sartori, Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes, (New York, 1994), p.63. See also Duverger, Duverger, Political parties, and G. Baldini & A. Pappalardo, Elections, Electoral Systems, and Volatile Voters, (London, 2009).

of these alliances before the second round effectively allow voters to choose which government they would like to elect, as under FPTP, rather than voting for a party with little sense of what coalition might be formed, as is the case in many PR systems.

Overall then, the addition of a second round would be a simple way to refine the workings of the UK's electoral system, and potentially bring about significant change in British politics. Without removing the direct link between each MP and a specific constituency, and without altering the majoritarian logic behind the electoral system, it would reduce the stifling impact currently exercised on the development of the party system and allow it to evolve with the times, as well as encouraging political pluralism, and providing voters with the opportunities to make freer and more informed choices.

Of course, the 2RS has one significant disadvantage. Although its mechanism is simpler and more intuitive than that of AV and SV, elections would have to be spread out over at least a week, and voters would have to go to the polls twice. In France this has had no notable impact on turnout, which is high by European standards, but one can imagine it potentially leading to significant voter fatigue in the UK.

Proportional Systems (PR)

Unlike the alternative majoritarian electoral systems discussed above, changing to a proportional electoral system would require overhauling the UK's constituency structure. Because they seek to apportion seats proportionally between multiple parties, proportional systems all use some kind of multi-member districts. Beyond that however, they can differ enormously in district magnitude, ballot structure, and electoral formula.

The Limited Vote

Britain's first experiment with a form of PR was its use of the Limited Vote for parliamentary elections in 13 three-member constituencies between 1867 and 1884. The Limited Vote worked by allowing each elector to vote for up to two candidates – i.e. fewer than the number of seats available. The idea was that by preventing electors from voting for all three seats, no one party would be able to sweep the board, ensuring that minorities would be represented within the three-member seats.

In practice, however, this did not work well. Not only were voters presented with the tactical difficulties of assessing which of their preferred party's candidates it would be most useful for them to vote for, but larger parties were able to organize their electorate to distribute their votes effectively among all their candidates, and thus win every seat in a three-member constituency, defeating the proportional aim of the system. Due to these deficiencies, the Limited Vote is no longer an electoral system that sees much use.

List Systems

Today, most PR systems use lists of candidates presented by parties. In each constituency, voters cast a ballot for one party list, and seats are distributed to party lists according to their vote share, using an electoral formula to determine how many seats each party is entitled. List systems are used in Great Britain[52] and most of the EU for European Parliament elections, and for national elections in, amongst others, the Benelux countries,

52 'Great Britain' rather than the United Kingdom, because European elections in Northern Ireland are held using the Single Transferable Vote, for more on which see below.

the Nordic countries, Israel, Spain, Poland, Turkey, and Brazil.

However, list systems vary in a number of different ways:

Firstly, different countries use different-sized constituencies for elections under list systems. In Israel and the Netherlands, for instance, the entire country constitutes one single constituency, electing 120 seats in Israel and 150 in the Netherlands. By contrast, for European elections in Great Britain, each of the eleven regions forms its own constituency, with the smallest electing 3 representatives and the largest electing 10.

Secondly, different list systems use different electoral formulae to apportion seats between parties on the basis of their vote share. Most countries use the 'D'Hondt' or 'Highest Averages' method, but the 'Sainte-Laguë' method is used in Norway and Sweden for instance. Although these formulae are highly technical, and all aim to produce a 'proportional' outcome, they can produce substantially different results. This is because, since the number of seats given to each party in any district must be a whole number, but vote shares are unlikely to match exactly to a whole number of seats, how the rounding occurs can be very important. Importantly, compared with the Sainte-Laguë method, D'Hondt has a notable bias towards larger parties. Had Sainte-Laguë been used instead of D'Hondt for the most recent European elections in Great Britain for instance, the Greens and Liberal Democrats would have had their representation doubled and tripled respectively.[53]

Thirdly, beyond the basic electoral formula, some list systems include an additional threshold – a set vote share that parties must achieve nationwide in order to eligible to be awarded any seats. The idea behind thresholds is to limit the number of parties that are represented in parliament so as to avoid excessive fragmentation. Israel currently uses a threshold of 3.25%, Sweden one of 4%, Poland one of 5%, and Turkey one of 10%.

Collectively, thresholds, electoral formulae, and constituency sizes determine how truly proportional a list system is: the larger the constituencies, the lower the threshold, and the less biased the electoral formula is to larger parties, the more accurately the distribution of seats among parties will reflect the distribution of votes. Smaller constituencies and biased electoral formulae make it harder for smaller parties to win seats, while thresholds can exclude them entirely.

Finally, list systems can also differ in ballot structure: in 'closed' list systems, such as those used in Spain and Israel, voters can only select a list, whose order is determined by the party itself; in 'open' list systems, such as those used in Finland and Brazil, voters can also select a candidate of their choice, and the order in which candidates on a list receive seats is determined by the number of individual votes they receive; in 'semi-open' list systems, such as those used in the Netherlands or Sweden, voters can also select a candidate of their choice, but only if a candidate crosses a certain threshold of individual votes does it affect their likelihood of receiving a seat, which otherwise remains determined by the position on the list they were originally assigned by their party.

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Despite these variations, the adoption of almost any kind of list system of proportional representation for use at general elections in the UK would have a

53 R. Johnson, R. Johnston, & I. McLean, 'Overrepresenting UKIP, underrepresenting the Greens and Lib Dems: the 2014 European Elections in Great Britain', Representation – a journal of representative democracy, 50(4), (2014).

broadly similar impact.[54]

Most basically of course, a list system would be vastly more proportional than the existing FPTP system, drastically reducing the discrepancies between the vote share and seat share of political parties. This would satisfy the demands of those for whom proportionality between parties is a key requirement of 'fair' representation.

The impact of this proportionality would be to address some of the major problems of FPTP. Firstly, it would largely rectify the geographical polarization created by FPTP, since in any given multi-member constituency of a reasonable size, more than one party would achieve representation. All significant parties would receive a broadly proportional level of representation in each region, and no region would be dominated by a single political party such as occurred in Scotland in the UK general election of 2015. The pattern of party competition would thus differ less across different areas of the UK, creating a more integrated national politics.

Perhaps more importantly, list systems' relative lack of bias against smaller parties would mean the existing Labour-Conservative dominance would no longer be artificially preserved by a restrictive electoral system. Not only would the mechanism of the electoral system no longer disproportionately reward larger parties, but the 'psychological effect' of voters being incentivized to vote tactically would be significantly reduced, since most parties would be potentially capable of winning a seat in most multi-member constituencies. Additionally, the greater prospects of small parties would reduce the disincentive for politicians to break away from existing parties. We would therefore expect to see the development of a more fragmented, multi-party system, and one more prone to change. We see exactly this in the politics of countries where list systems are used: multi-party politics is the norm there, and the identity of the main parties is frequently subject to change.

Of course, the level of political fragmentation and multi-partyism, along with the ease of party system change, would depend on whether, and to what extent, the proportionality of the system was limited by small constituencies, a threshold, and/or an electoral formula biased in favour of larger parties. In Israel and the Netherlands for instance, where the use of one single national constituency and low or non-existent thresholds ensures high proportionality, the Effective Number of Parliamentary Parties averages 7.2 and 6.5 respectively. By contrast, in Spain and in Turkey, where small constituencies and a high threshold have respectively limited the proportionality of the system, the Effective Number of Parliamentary Parties averages 3.4 and 2.8.[55] Even in these cases, however, party system change is not an altogether infrequent occurrence.

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In bringing about these changes to British politics, a list system of proportional representation would totally abandon the majoritarian logic currently underpinning electoral democracy in the UK. Firstly, voters would no longer be electing a single representative directly accountable to them at a local level. Instead, they would be participating in the election of a larger number of representatives elected across a broader area on the basis of party support. Although this would have the advantage

54 This assumes the absence of a threshold so high, or a constituency magnitude so small, as to effectively abrogate the proportionality of the system.

55 Averages over the last four national elections. Data taken from M. Gallagher, 'Electoral Systems', https://www.tcd.ie/Political_Science/people/michael_gallagher/ElSystems/, [accessed March 2019].

of making it more likely that a voter would be represented by at least one MP of their preferred party, it would reduce the direct relationship of accountability between electors and individual representatives. Secondly, rather than directly choosing a government, voters would simply be expressing support for a political party, with the nature of the governing coalition being determined as much by post-election negotiations as by the election results themselves.

Moreover, the adoption of a list system could significantly alter the functioning of the UK's political parties. A closed list system, for instance, would enhance the control of party organizations over MPs, whose place on the party list would be vital to their prospects of re-election. By contrast, the most open kind of list system would see intra-party competition amongst candidates opened up to the public, reducing the power of party organizations.

The Additional Member System (AMS)

An important variation of the list system of PR is the Additional Member System, also known as Mixed Member Proportional (MMP). This system combines overall broad proportionality with the election of two different types of MPs: some MPs are elected in single-member districts by FPTP, while others are elected from either a regional or a national party list.

Electors therefore have two votes – one to elect a representative for their own constituency by FPTP, and one to select a party list. Crucially though, these votes are not separate: seats from the party lists are distributed in such a way as to ensure that the overall number of seats each party receives, including the seats elected by FPTP, reflects their share of the list vote. List seats are thus distributed as 'top-up' seats to parties that are underrepresented amongst the FPTP MPs, ensuring overall broad proportionality.

AMS has been used in Germany since 1949, in New Zealand since 1996, and for elections to the Scottish Parliament and Welsh Assembly since 1998.

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At the national level, the overall broad proportionality of seat distribution means that AMS effectively functions as a PR system, and so differs little in its impact from straight list systems.

Of course, as with all list systems, the level of proportionality can vary. Importantly, under AMS, this depends not only on the presence/level of a national threshold for receiving list seats, the size of the multi-member constituencies in which list seats are apportioned, and the electoral formula used to determine seat entitlements, but also on the overall balance between list seats and constituency seats. In Scotland, for instance, proportionality is limited by use of the D'Hondt formula, by the preponderance of constituency over list seats, and by the fact that list seats are distributed at the regional rather than national level, in multi-member constituencies that each elect only 7 representatives. As a result, at the 2011 Scottish Parliament election, the SNP were able to win a majority of the seats despite winning only 44% of the list vote.[56] By contrast, in Germany, small parties are excluded by the use of a 5% national threshold, but amongst those parties that receive over 5% of the vote, the distribution of seats is highly proportional, due to the sheer number of list

56 As a result, one could argue that all three of the referendums held in the UK since 2010 were caused by failures of electoral systems: the 2011 AV referendum resulted from FPTP's failure to deliver a majority government in 2010; the 2014 Scottish Independence referendum resulted from AMS's failure to prevent majority government in Scotland; and the 2016 EU referendum resulted from the Conservative Party's internal dysfunction, itself a result of the FPTP system.

seats available and the fact that their allocation is determined at the national level using the Sainte-Laguë method.

The difference between AMS and list PR systems is the continued representation of electors at the local level by a specific, directly elected, constituency MP. Unlike list PR then, AMS preserves a direct link of accountability between voters and (at least some of) their political representatives. However, this direct accountability is somewhat weaker when, as in Germany, constituency candidates are able to run simultaneously as candidates on a party list, meaning that even if they are defeated at the local level, they could still retain a parliamentary seat.

The Alternative Vote Plus (AV+)

The Alternative Vote Plus is effectively the same system as AMS, except that the election of constituency MPs takes place using AV rather than FPTP.

At the national level then, using AV+ rather than AMS would make no perceptible difference, since the proportionality of the system would be unchanged. The only difference would be how electors were represented locally, with AV+ arguably doing a better job of ensuring that constituency MPs command broad support in their district. However, this benefit of AV+ relative to AMS is perhaps counteracted by the existing public hostility to the use of AV, and the fact that AMS is already in use in Scotland and Wales.

The Supplementary Member System (SM)

In the Supplementary Member System, electors cast their ballots in exactly the same way as under AMS, voting both for an individual constituency candidate and for a party list. The only difference is that under SM, list seats are distributed not with a view to creating overall proportionality, but in direct proportion to the share of the list vote each party receives.

From a theoretical perspective, this is not one electoral system, but two – one proportional, one majoritarian - operating in parallel. In practice though, SM functions as a less proportional (and hence more restrictive) version of AMS, with the extent of its proportionality depending on the relative balance of list and constituency seats. Beyond an arguably more easily understood mechanism, it therefore possesses no distinct advantages over AMS, whose proportionality can in any case be adapted by various means as discussed above.

The Single Transferable Vote (STV)

The one major form of PR that does not involve party lists is the Single Transferable Vote. Under this system, voters in multi-member constituencies rank candidates in preference order. In each constituency, a quota is determined by dividing the total number of ballots by the number of seats available. Any candidates receiving more first preferences than the quota are elected, and their surplus ballots above the quota are redistributed to other candidates in proportion to their voters' expressed preferences. If there are no new winners and more candidates than seats remain, the candidate with the fewest votes is eliminated, and their votes also redistributed to their voters' next preferences. This process continues, pushing more candidates over the quota, until all seats in the constituency are filled.

Historically, STV was first proposed in the 1850s by Thomas Hare, and was advocated enthusiastically

by the philosopher John Stuart Mill. In 1917, it was proposed by the Speakers' Conference on electoral reform for elections to the House of Commons from the borough constituencies and, although this proposal was defeated, it was used in the five multi-member university constituencies at the eight general elections between 1918 and 1948.

Today in the UK, STV is used for local, devolved, and European elections in Northern Ireland, and for local elections in Scotland. It has also long been advocated for broader use by the Electoral Reform Society and by the Liberal Democrats. Outside the UK, STV is used for elections to the Australian Senate and for all elections in the Republic of Ireland.

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In many ways, the effects of STV on British politics would be similar to those of other PR systems: it would produce a broadly proportional outcome, would likely make coalition government the norm, and would see individual constituency MPs replaced by MPs collectively representing larger areas.[57] As with other PR systems, this proportionality would reduce the geographic distortions currently caused by FPTP. It would also reduce the restrictive impact on the development of the party system exercised by the electoral system, and would thus encourage the development of greater multi-partyism and party system change.

However, there would be some important differences. Above all, more than any other electoral system, STV would also drastically alter the relationship among voters, parties, and candidates. For a start, unlike in other PR systems, a vote for a candidate under STV does not also constitute a vote for their broader party list. Moreover, electors are able to distribute their preferences across parties: one could for instance give a first preference to a Labour candidate, a second preference to a Conservative, a third preference to another Labour candidate, and a fourth preference to a Liberal Democrat. Not only does this allow voters to express highly complex preferences, but it means their voting decisions no longer necessarily have to be structured through the support of one party over another. Instead, they can be based entirely on the voter's assessment of individual candidates. Every MP would therefore be directly accountable to the electorate within their multi-member constituency, and no voter would be forced, out of party loyalty, to support a candidate they disliked.

Not only would STV alter the relationship between electors and their representatives, it would also change the relationship among candidates, MPs, and parties. Because under STV candidates are elected on the basis of personal, rather than party, support, elections would see competition for votes occurring within parties, rather than just between them. This intra-party competition, along with the clear personal mandate of elected MPs, would have the effect of weakening the power of party organizations. The evidence from Ireland also suggests that it encourages a highly local, even parochial, form of politics, as candidates seek to distinguish themselves from other candidates of the same party primarily through local service.

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An additional important feature of STV is its complexity. Given the nature of the British electorate's hostility to AV, complexity is a potentially significant issue. STV is not only relatively complex to use, it is even more complex to explain and understand the counting mechanism. Nevertheless,

57 Most proposals for the use of STV suggest constituencies of 3-6 seats. Much larger constituencies would be impractical, due to the size of ballot paper they would require.

voters have proved able to use STV in practice: a study conducted after the introduction of STV for local elections in Scotland found that even on the first occasion on which STV was used, there was 'little sign of confusion' amongst voters.[58]

Linked to STV's complexity, some have also argued that the system Is unacceptably illogical, due to being 'non-monotonic' – that is to say, there are some circumstances in which it can be to a candidate's ultimate advantage to receive fewer first-preference votes, given how that will affect later transfers. This was a key objection made, for instance, by the Labour party's 1993 Plant Report. However, this objection should be treated with some scepticism. Firstly, there is no clear reason why occasional nonmonotonicity is necessarily an intolerable feature of an electoral system. Secondly, STV is not the only system vulnerable to this objection: it applies to AV and SV as well.[59] Lastly, the evidence from the experience of STV's use in Northern Ireland strongly suggests that cases of non-monotonicity are exceedingly rare.[60]

Conclusion

From the discussion of the different electoral systems above, we can identify the key issues that need to be considered when evaluating electoral systems:

- Is majoritarian politics desirable, or should proportionality be preferred?
- If a proportional system is desirable, how proportional should it be? Should outcomes be as proportional as possible, or should proportionality be limited to prevent excessive fragmentation?
- At what level should representation occur? Are individual constituency MPs important, or are relatively small multi-member constituencies, or even large multi-member constituencies, sufficient?
- What is the appropriate role for political parties? What should be the balance between individual voter choice and party control?
- Does the complexity of an electoral system matter?

Since the systems discussed in this section are distinct in their effects, and would all change UK politics in different ways, the choice between them is largely determined by the ends one seeks. Nonetheless, we can draw some conclusions about which electoral systems achieve which ends most effectively.

Firstly, many of the flaws of FPTP can be resolved, and additional positive features added to the electoral system, without switching to a proportional electoral system: AV, SV and the 2RS would all increase voter choice. Above all, if one wishes to preserve the benefits of majoritarian politics, including the election of direct representatives and majority governments, while reducing the restrictive impact of the electoral system, increasing voter choice, and promoting political pluralism, this can be achieved by the adopting of the 2RS – effectively just the addition of a second round to the existing FPTP system.

58 J. Curtice & M. Marsh, 'Confused or competent? How voters use the STV ballot paper', Electoral Studies, 34, (2014), p.146.

59 It is ironic, therefore, that the Plant report rejected STV on grounds of its non-monotonicity only to then advocate the use of SV.

60 P. Bradley, 'STV and monotonicity: a hands-on assessment', Representation – a journal of representative democracy, 33(2), (1995).

Secondly, if majoritarian politics is to be abandoned in favour of proportional representation, list systems of PR have no advantages (beyond simplicity) that cannot be replicated by AMS. The levels of proportionality and party control in AMS can be adjusted to taste just as much as in list systems, while AMS also has the benefit of preserving a certain amount of direct constituency representation.

Thirdly, amongst all proportional and mixed electoral systems, STV maximises the power, choice, and expression of individual voters, and minimizes the power of political parties.

As a result, three electoral systems stand out as options particularly worthy of consideration by citizens and politicians: the 2RS, AMS, and STV.

All three of these systems have been used successfully in practice: the 2RS in France, AMS in Germany, New Zealand, Scotland, and Wales, and STV in both the Republic of Ireland and Northern Ireland. All three would be more flexible than our current system of FPTP, and so would avoid the problems arising from the artificial preservation of our dysfunctional two-party system. Beyond that, however, the three systems each achieve different aims:

- The Two-Round System extends voter choice, while ensuring the continuation of a direct link between each MP and a specific constituency, and allowing for the direct election of a majority government;
- The Single Transferable Vote ensures broad proportionality, maximises voter choice, minimises the power of parties, and establishes the direct accountability of MPs to voters, albeit in a multi-member district;
- The Additional Member System can provide for almost any level of proportionality desired, while maintaining the existence of single-member districts and the central role of political parties.

Ultimately, should the British electorate decide to replace FPTP, they will have to decide which of these democratic outcomes they value most.

How exactly these options could be submitted to popular consideration, and how exactly the people could go about deciding what they want from their democracy, is discussed in the next section.

Part III: The Process of Reform

To replace FPTP as the electoral system for the House of Commons would be a challenging political objective. Not only is this demonstrated by the long history of failed electoral reform efforts within the UK, where there has been no major alteration to the way MPs are elected since 1948, but political scientists have frequently drawn attention to the relatively limited frequency of major electoral reforms across democracies worldwide.[61]

The most fundamental obstacle to electoral reform is the fact that individual MPs, who hold the ultimate power of decision over which electoral system is used, are by definition beneficiaries of the current system. Likewise, any party holding a parliamentary majority in the UK is almost certainly a party disproportionately rewarded by FPTP. The achievement of electoral reform in the UK would therefore require politicians to act against both their personal and partisan interests.

To ensure that any promise of electoral reform was carried out, and to ensure that the reform was met with public acceptance, it would be vital for a clear process, involving substantial public deliberation, to be agreed in advance. Recent experience demonstrates that in the absence of a pre-agreed process, plans to reform the electoral system are unlikely to be followed through by politicians. In Canada, after the election in 2015 of a Liberal government promising to abolish FPTP, the absence of a pre-defined roadmap meant that electoral reform efforts swiftly became fatally bogged down in arguments over process. Likewise, if an electoral reform is decided upon in an ad-hoc manner by politicians, it is unlikely to be popular with the public. France's 1986 electoral reform, unilaterally imposed from above by the then-ruling Socialist Party, was scrapped only two years later. More recently, electoral reforms agreed as part of coalition negotiations between political parties were rejected by the public in referenda in Britain in 2011, and in the Canadian province of British Columbia just last year.

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What sort of process should be pre-agreed then? Traditionally, the process most often envisaged has been a referendum: it was this that was promised throughout the 1990s and early 2000s by the Labour Party, and it was a referendum that was eventually held by the Conservative-Liberal Democrat coalition government in 2011.

Referenda on their own, however, have a distinctly mixed track record. Not only are electoral reforms more commonly than not rejected, but they are frequently done so on low turnouts, and after campaigns largely focused on partisan advantage, rather than on serious consideration of the democratic issues at stake. The experience of Britain in 2011 has been discussed earlier in this paper, and the referendum held in British Columbia in 2018 followed a similar pattern: reform was rejected, turnout was low, and the debate highly partisan. In Poland, where the referendum held in 2015 did see electoral reform overwhelmingly accepted, the results were (rightly) dismissed due to the pitiful turnout of 7.8%.

Crucially, where referenda have been successful in featuring substantive and informed debate, and

61 See for instance A. Renwick, The Politics of Electoral Reform, (Cambridge, 2010).

in securing public acceptance of reform, they have merely been the last step of a longer deliberative process. The oft-cited success of New Zealand's 1992 and 1993 electoral reform referenda, the latter of which saw turnout of 83%, is a prime example of this: the referenda were only held after a Royal Commission had conducted an inquiry into electoral reform over the course of 1985 and 1986, and had concluded strongly in favour of replacing FPTP with AMS (although it used the term MMP – Mixed Member Proportional).

Importantly, unlike other bodies set up by governments across the world to study electoral reform, such as the Special Committee on Electoral Reform set up in Canada in 2015, or the Independent Commission on the Voting System established in the UK in 1997, the members of New Zealand's Royal Commission were all independent experts rather than party politicians.[62] Their recommendations therefore carried greater weight. Moreover, rather than drawing up their report in private, the Royal Commission deliberated in the open through public hearings, generating widespread trust in the process and its conclusions, and providing valuable education to the electorate. The report was therefore instrumental in securing the eventual calling of the referenda on electoral reform, had a big impact on the campaigns, and was significant in persuading voters to endorse electoral reform in both votes.[63] The electoral system adopted has since proven popular and effective: when a referendum was held on replacing it in 2011, the option to keep it received 58% of the vote.

By contrast, the less politically independent nature of the Canadian Special Committee on Electoral Reform and of the British Independent Commission on the Voting System, and the less public nature of their deliberations, meant that neither's report was able to exert sufficient moral pressure or arouse sufficient popular enthusiasm to force the governments to follow through on promises of reform.

Another positive example of an electoral reform process occurred in Canada at the provincial level, in British Columbia. There, over 16 months starting in 2003, a Citizens' Assembly, a body of 160 randomly selected ordinary members of the public held a series of deliberations, including a number of public hearings, on the electoral system. The Citizens' Assembly concluded in favour of replacing FPTP with STV, and when this proposal was put to referendum in 2005, it was endorsed by 58% of the electorate on a turnout of 61%. Similar to what had occurred in New Zealand, respect for the process of the Citizens' Assembly played a crucial role in generating this result.[64] Although the reform was not ultimately implemented, its near success is nonetheless a contrast with British Columbia's more recent unsuccessful electoral reform effort: when in 2018 a referendum on electoral reform was held not after a deliberative process, but after a coalition agreement between two political parties, electoral reform was rejected by 61%, on a turnout of only 42%, with ballots largely cast along partisan lines.[65]

62 The members of the Royal Commission in New Zealand were a High Court justice, a former government statistician, a constitutional law professor, a political theorist, and a research officer.

63 For this campaign see P. Harris, 'New Zealand's Change to MMP', http://janda.org/c95/news%20articles/New%20Zealand/ZNswitch.htm, [accessed March 2019].

64 For a discussion of this see T. Lundberg, 'Electoral system reviews in New Zealand, Britain and Canada: a critical comparison', Government and Opposition, 42(4), (2007).

65 'BC votes to keep first-past-the-post electoral system', https://www.cbc.ca/news/canada/british-columbia/electoral-reform-referendum-results-1.4954538, [accessed March 2019].

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What these examples suggest, then, is that what matters in ensuring the success of an electoral reform process is not whether or how a referendum is held, but whether or how an effective process of deliberation is carried out before a decision is made. Crucially, a deliberation process must be public, independent, and non-partisan: in order to be capable of generating serious discussion of the substantial issues at stake when choosing an electoral system; in order to build popular support; and in order to exert pressure on governments to allow reform to proceed.

For this reason, it is the Citizens' Assembly model that would be best to use in the UK. The fact that it would be composed of randomly chosen members of the public would not only ensure its complete political independence, but in an age of populist discontent with experts and elites, its status as an assembly of ordinary men and women would give it an additional democratic sheen, increasing its popular legitimacy. Should a Citizens' Assembly favour electoral reform, and agree upon an electoral reform proposal, it would then be difficult for politicians to refuse either to legislate for its implementation or, alternatively, to put it to the people in a referendum. Should they choose the latter alternative, the standing of the proposed reform would likely be enhanced by the manner of its choosing.

Citizens' Assemblies are already very much on the agenda in the UK. In 2015, informal sortition-based Citizens' Assemblies on constitutional reform were successfully piloted by academics, generating high-quality deliberation and nuanced recommendations.[66] More recently, a group of Labour MPs, spearheaded by Lisa Nandy and Stella Creasy, have advocated the use of a Citizens' Assembly to resolve the deadlock over Brexit, and this proposal has received the support of, among others, former Prime Minister Gordon Brown, the Guardian newspaper, the Electoral Reform Society, and UCL's Constitution Unit.[67]

Finally, there is also a deeper case to be made for the use of a Citizens' Assembly. As this report has shown, the choice of electoral system raises fundamental questions about what kind of democracy we wish to see in the UK. Issues of this magnitude deserve serious examination beyond the cut and thrust of electoral campaigning, and in a manner that is inclusive and egalitarian, rather than technocratic and elitist. A Citizens' Assembly is the only form of consultative or deliberative process that can provide this kind of substantive, but nonetheless democratic, consideration.

66 M. Flinders, K. Ghose, A. Giovannini, W. Jennings, B. Prosser, M. Sandford, P. Spada, G. Stoker, & A. Renwick, 'Citizen participation and changing governance: cases of devolution in England', Policy & Politics, 45(7), (2017).

67 A. Renwick, 'Could a Citizens' Assembly help the Brexit process?', https://constitution-unit.com/2019/01/24/could-a-citizens-assembly-help-the-brexit-process/, [accessed March 2019].

Key Conclusions

Our current electoral system, First-Past-The-Post (FPTP), no longer delivers its claimed benefits:

- It no longer delivers single-party majority governments;
- It does little to encourage political moderation;
- It increases, rather than minimizes, political differences between regions;
- It obstructs, rather than enhances, accountability and the clarity of voter choice;
- Above all, it preserves an increasingly dysfunctional two-party system.

Three alternatives deserve consideration:

- The smallest change – adopting a Two-Round System similar to that used in France – would resolve many of the problems caused by FPTP while maintaining a direct link between each MP and a specific constituency, and allowing for the election of majority governments;
- Moving to a Single Transferable Vote – as used in Ireland – would guarantee broadly proportional representation, and retain some accountability of MPs to voters, while minimising the power of political parties;
- Choosing the Additional Member System – as used in Germany – could achieve any desired level of proportionality in representation, while maintaining single-member districts, and a strong role for political parties.

A Citizens' Assembly would be the best forum in which to debate and choose among these options.

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