

## THE PROPOSALS FOR ELECTORAL REFORM IN THE UNITED KINGDOM AND THE NETHERLANDS

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### 1 Introduction

Discussions about the electoral system are a regularly recurring phenomenon in most democracies. This is not surprising, as the choice for an electoral system determines the manner in which a country's parliament, the heart of a democratic society, is representative. Changing the electoral system is not as uncommon as many people in the United Kingdom and the Netherlands think it is. At any rate, not if a fundamental adjustment of the existing electoral system is regarded as a change of electoral system.<sup>1</sup>

The subject of this paper is a comparison between the proposals for a new electoral system, as they were recently made in the Netherlands and the United Kingdom.<sup>2</sup> What makes a comparison between these countries so interesting is that they are countries with a sharply contrasting political tradition. The Netherlands is one of the continental democracies, where proportional representation (PR) and coalition governments are the tradition, whereas the United Kingdom is a prime

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<sup>1</sup> Cf. A. Lijphart, *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies 1945-1990*, Oxford University Press, Oxford 1994, pp. 10-56.

<sup>2</sup> The proposals in question were made by the Jenkins Commission in *The Report of the Independent Commission on the Voting System* (The Stationary Office Cm 4090-I) and by the authors of this paper in J.A. van Schagen and H.R.B.M. Kummeling, *Proeve van een nieuw kiesstelsel*, W.E.J. Tjeenk Willink, Zwolle 1998. The proposals contained in the latter publication have been put by the Dutch Government to the *Kiesraad* (Electoral Council) and the *Raad voor het Openbaar bestuur* (Council for Public Administration).

example of an Anglo-Saxon democracy, with a two-party first past the post (FPTP) system and a majority government.<sup>3</sup> The proposals of the Jenkins Commission and of the present authors will therefore explicitly be set against the background of the problems which gave rise to the proposals. The object of the comparison is not very ambitious. We aim to present material that might be useful in answering the following question: Do the proposed new electoral systems constitute an adequate response to the problems they aim to solve?

In the light of the above the arrangement of the paper is simple. In the next section we outline the background to the discussion about new electoral systems in the two countries. In the third section we compare and contrast the actual proposals. And in the final section we consider certain general points against the background of the question formulated above.

## 2 The background to the proposals

Neither in the United Kingdom nor in the Netherlands did the proposals to modify the electoral system appear out of thin air. The problems for which an adjustment of the electoral system might provide a solution have been debated for many years. In this section we shall outline the main arguments underlying the proposals for a new electoral system.

### 2.1 *The discussion in the Netherlands*

Two themes are central to the debate on the Dutch system of PR, namely: the influence of voters on the composition of the government and the influence of the voter on the persons representing him in the Lower House of Parliament.

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<sup>3</sup> Cf. F.R. Ankersmit, *Macht door representatie. Exploraties III: politieke filosofie*, Kampen 1997, p. 190 ff.; F.R. Ankersmit, *Aesthetic politics: political philosophy beyond fact and value*, Stanford University Press.

The first of these was a key theme in the debate in the late 1960s and the 1970s.<sup>4</sup> The Cals/Donner Commission argued that the electoral system had to meet two requirements. On the one hand it had to reflect as accurately as possible the opinions and feelings of voters and, on the other hand, a parliament had to be elected which has a clear majority and which can form a basis for the formation of a government. In the view of the commission, the electoral system above all failed in respect of the latter requirement. It felt that the Lower House was ceasing to reflect two main political streams, composed of whatever number of parties, but increasingly a multitude of different trends and opinions, which did not constitute a basis for effective government.

On the basis of this conclusion, the commission proposed a change of the electoral system, such that the country would be divided into 12 electoral districts. Approximately the same number of members of parliament would have to be elected in each district, according to a PR system. This proposal was coupled with the proposal that the person appointed to form a government should in future be directly elected by the voters. Because of a lack of political consensus, particularly regarding the latter proposal, the commission's proposals were not adopted by the government. In the course of the 1970s and 1980s it evidently became less difficult to arrive at a workable political majority, so that the debate on electoral reform died down again.

The Parliamentary Commission on administrative and constitutional reform, a commission of the Dutch Lower House, chaired by its Speaker Wim Deetman, put the subject back on the political agenda. The commission sketched the problem as follows: '[Our constitutional system allows] on the one hand less than anywhere else the possibility of choosing an individual candidate and more than anywhere else of choosing a party, on the other hand it makes compromises more necessary than anywhere else. The voters do determine the relative strengths, but not, at least not directly, where the power lies; with their

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<sup>4</sup> The following is based largely on M.C. Burkens, 'Machtvorming of representativiteit', in M.C. Burkens et al. *Staatsrechtelijke vernieuwingen. Commentaren op het rapport van de commissie-Deetman*, Zwolle 1991, pp. 1-20, pp. 4-6.

vote they express their ideas and ideals, but they do not, at least not directly, determine policy.<sup>5</sup> In addition the commission pointed out the weakness of the link between electors and elected. Voters have too little influence on the actual candidates elected to the Lower House. Political parties decide the order of candidates on the lists and thus who is elected to Parliament. Voters decide only the size of the parliamentary party. The commission advised examining to what extent elements of the German electoral system might provide a solution.

Today it is above all the second element, the lack of a link between the voters and their representatives that occupies a central position in the debate. And even though this has already resulted in a lowering of the threshold needed to gain a seat on a preference vote from 50% to 25% of the electoral quotient, a further strengthening of the link between elector and elected has remained on the political agenda.

Why is it that now, years later, the issue of strengthening the link between elector and elected is again under discussion but has not yet resulted in a significant adjustment of the electoral system? There are a number of explanations that can be given. Fear of suffering a disadvantage compared with the present system plays an unmistakable role, particularly for the smaller parties. But the most important reason is that there is neither academic nor political agreement about the definition of the problem, nor even about what would constitute evidence that there is a problem at all. Discussions regularly become bogged down in the interpretation of the figures. For example, there has been endless debate about whether a high turnout at elections is a sign of confidence in politicians and the political system, or just the opposite. However, there is not much point to this kind of discussion, because the data in question say nothing about people's reasons for voting or not voting, as the case may be; no one has asked them why they did or did not vote.

Figures which show that, by comparison with voters in other countries, Dutch voters are reasonably satisfied with the political system,<sup>6</sup> are

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<sup>5</sup> TK 1990-1991, 21 427, no. 1.

<sup>6</sup> H. van Gunsteren and R.B. Andeweg, *Het grote ongenoegen. Over de kloof tussen burgers en politiek*, Haarlem 1994, p. 38.

contradicted by figures from the Social and Cultural Planning Office dating from 1996, from which it emerges that 69% of the population feel that MPs have no appreciation of their situation, 61% believe that MPs are not concerned with the public interest, while 60% feel that not a single political party promotes their interests.

Analysis of figures is not, by itself, sufficient to clarify the issues; the data are too heterogeneous for that and moreover open to different interpretations. This does not alter the fact that empirical data may be of use in identifying a number of problems in the functioning of our political system, which are in some way connected with the electoral system. There are many, in both political and academic circles, who subscribe to these problems. This emerges clearly, for example, from the Deetman Report on constitutional reform. What then are these problems? In essence they are the closely related problems of lack of representation and lack of democratic legitimacy, and over-specialisation of MPs.

### *Representation*

As far as representation of the electorate's desires is concerned, the electoral system does not function optimally. There are, however, many opinions on what is desirable in terms of representation. What they share is that in a representative system, those in power should at the very least act in the interests of the citizens. For this, a minimum requirement is that these interests must be known and acknowledged, and must then play a part in the weighing of interests that ultimately leads to decision-making in the public interest. In this way voters indirectly influence decision-making (and decision-makers).

Is it now so that electors' wishes and aspirations are adequately represented under the present system? If we are to believe the figures of the Social and Cultural Planning Office referred to above, that is not the case. And there are other indicators that suggest the same. For example, the emergence of 'protest parties' in virtually every election in the past few decades, the elderly parties, the extreme right-wing CD and the extreme left-wing SP, which form a clear indication that the established political parties have not been sufficiently effective in representing and

promoting the interests of these voters. The growing influence of local parties in municipal elections confirms this picture.

How has this come about? Part of the explanation has to be sought in the way MPs operate. They communicate above all with each other and within their political party rather than with the voter. Indeed it is logical that they should, because the party is by far the most important factor in a successful career as a member of parliament, including the matter of re-election. The position on the party list is almost always decisive in terms of gaining a seat. If a politician desires a (sufficiently) prominent place on the list, he or she will have to do well in the party. This means obeying party discipline. Party discipline may have an extremely useful part to play in terms of generating decisions. However, from the viewpoint of representation it has its drawbacks. This would be otherwise only if it could be assumed that party and election manifestos and lists of candidates represented the views of large groups of the population. In fact this is extremely unlikely; fewer than 3% of Dutch voters are members of a political party and only a minute fraction of these have anything to do with producing the manifesto.<sup>7</sup> If voters were above all concerned with party ideology and moreover had absolute confidence in the party elite, and would thus want to vote consistently for a particular party, this would not be a problem. However, the times of 'pillarisation' are far behind us. Since then voters have come spiritually adrift. Now they turn first to one party and then to another. The floating vote is steadily growing; many voters do not decide what party they will vote for, or even whether they will vote at all, until the very day of the elections. Given this, it is clear that the established political parties are unable to convince large groups of voters that they are worth voting for in the longer term. Apparently there is a large group of voters that does not feel itself to be genuinely represented by a particular party or candidate.

Now it is true that the majority of members of the Lower House will honestly reply to the above that they spend a great deal of time and effort on keeping in touch with voters. Nevertheless, comparative research

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<sup>7</sup> Cf. M.L. Zielonka-Goei, *Uitzicht op de toekomst*, Delft 1989, p. 185 ff.

shows that they spend less time on it and devote less energy to it than their colleagues abroad. There are also signs that Dutch MPs regard voters less as an important source of information for their parliamentary activities and that they are far less likely to act as an intermediary for 'their' voters than their colleagues in other countries. Another danger of the present system is that members of parliament – whether by birth or residence – are mainly from the urban, highly populated areas in the west of the Netherlands, and that other parts of the country remain relatively under-represented.<sup>8</sup>

### *Lack of legitimacy*

Lack of representation can result in a lack of legitimacy on the part of the administration; the political system generates decisions that no longer have a political base among the population and are consequently widely ignored. The Deetman Commission aptly concluded that the administration faces a crisis of democratic legitimacy.<sup>9</sup>

A lack of democratic legitimacy is also evident at the level of individual MPs. The metaphors that MPs 'enter the House on the party leader's shirttails' and then operate like 'mice' have become clichés for the way we think about our electoral system. Very few MPs have an electoral base of their own, in the sense that they have gained sufficient votes to have won a seat under their own steam. 'Their' electors do not know them, except perhaps for the candidates of the smaller parties, who will be relatively well-known to their voters. No, the primary source of legitimacy for most MPs is the party list which gained them entry to the House. As outlined above, this encourages an inwardly directed style of operation and consequently less sensitivity to the interests of citizens. Members of Parliament are accountable above all to the parliamentary party (and to the party as a whole), and much less to the (critical) voter. As a result the political system is not very responsive to the wishes and aspirations of the latter. Adjusting the political course in mid-term to

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<sup>8</sup> D.M. Farrell, *Comparing electoral systems*, London 1997, pp. 69, 78 and 162.

<sup>9</sup> TK 1990-1991, 21427, no. 3, p. 3.

take account of voters' opinions is by no means an automatism. Moreover, even if they are aware of voters' desires, politicians are apparently not very good at explaining their choices to the voters as being responsible and acceptable choices. Only after elections do political parties and MPs discover that they have not performed very well in the eyes of the voter. Clear examples of this in the Dutch political arena at the time of the centre-left Lubbers/Kok administration were the positions taken by the PvdA (Socialists) in the debate on disablement benefits and by the CDA (Christian Democrats) on the freezing of old-age pensions. At the level of the individual MPs this means we have come full circle; the political system generates decisions with only limited democratic legitimacy; decisions do not have the wide backing of the population.

### *Specialisation*

Members of Parliament who wish to raise their profile within a large parliamentary party will tend to specialise in a particular policy area. In that area they will have a relative degree of freedom; others, perhaps with the exception of the party leadership, will not be expected to interfere in that area. Generally speaking there is nothing wrong with this kind of specialisation. In today's highly-developed society with its varied and complicated problems it is necessary that MPs specialise to some degree if they are to be able to assess government proposals at all critically.<sup>10</sup> However, as Burkens has pointed out, a high degree of specialisation is questionable from the point of view of the relationship between electors and elected. [MPs (from the larger parties)] are primarily sectoral specialists and as such have close ties with functional groups in society, with a government department and the departmental bureaucracy. They are members of various standing committees of the House and consequently develop an ever greater interest in sectoral problems. Apart from chance interests, they can develop hardly any expertise outside that field, because they feel themselves to be in a

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<sup>10</sup> J.A. van Schagen, *De Tweede Kamer der Staten-Generaal*, Zwolle 1994, p. 76.



permanent state of competition with the departmental bureaucracy. They do not count as MPs unless they are on top of all the problems and files in that sectoral area, in order that they may accordingly be a match for the bureaucracy. The more paper the bureaucracy produces, the more energy this unequal struggle absorbs. With some exaggeration he goes on to argue that MPs are not in fact representatives of the people at all. 'They live under a political cheese cover in The Hague, communicate in the political arena in a kind of bureaucratic double Dutch that is unintelligible to any normal person and constitute, as it were, the non-departmental extension of The Hague bureaucracy.'<sup>11</sup>

Specialisation not only contributes to compartmentalisation, which is generally regarded as fatal to the balancing of interests which is such an essential part of Parliament's task, it can also result in a weakening of the link between the elector and the elected, simply because of the lack of intelligible two-way communication. The electoral system facilitates such specialisation, because it does not require MPs to be accountable to their electors on a wide range of topics, in other words to become generalists.

Given the – interrelated – problems discussed here, which can largely be reduced to the complaint that the electoral system fails to force MPs to be accountable to their electors, there is sufficient reason to examine whether the link between the elector and the elected can be strengthened. This in turn poses the question of how this 'link' should be interpreted.

### *The personal element*

As indicated above, in discussions on constitutional reform the desirability of reforming the electoral system was constantly raised in connection with the strengthening of the 'link' or 'relationship' between the elector and the elected. The use of the terms in quotation marks has caused a great deal of misunderstanding both inside and outside Parliament. This has occasionally meant that the problem has been spoken of dismissively. For example, it is not clear whether what is

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<sup>11</sup> Burkens, 'Machtvorming of representativiteit', pp. 10 and 11.

signified is a lack of confidence in the political system, the politicians, or politics in general. Is it about politicians (or certain politicians) being supposed to translate the wishes of the voters (or certain voters)? Are the elected supposed to fulfil an ombudsman-like role in respect of their electors? Or is it about making politicians better known?

When the bill to lower the preference threshold was debated, the government abstained from using these vague and ambiguous terms, which are moreover hard to translate into practical, measurable terms. They focused on the issue of strengthening the 'personal element' in the electoral system, by which is meant *the enlargement of the possibilities for the elector to influence the personal composition of a generally representative college*. In other words, the elector would have to gain more control over which individual candidates actually gain a seat in the House. As far as we are concerned, the idea behind this is that MPs (and candidate MPs) will consequently focus more on addressing the electorate.

At this juncture we will to some extent have to anticipate what is the most appropriate way of bringing about this strengthening of the relationship. It seems inevitable that to achieve this some form of constituency element will have to be introduced into any new electoral system. Not because regional or local interests need representation, but because there has to be a forum where electors and their representatives meet one another. By working with constituencies, voters will be put in a position to regard certain MPs as 'their MP' and thus as an MP who will be particularly inclined to explain and be accountable for the policies that are adopted in The Hague. At the same time a constituency provides an MP with a forum where he or she can make a special effort to win votes by setting out his or her position for the voters. Against the background of the tendency that individual candidates are becoming more important than the party programmes they are supposed to implement, this seems to us a good thing. It means that the parties will gain wider support than is at present the case, given that most campaigns concentrate largely on the party leader.

## 2.2 *The discussion in the United Kingdom*

The Jenkins Commission gives the following outline of the historical and political context.<sup>12</sup> First the single member constituency is not an inherent part of the British parliamentary tradition. It was unusual until 1885, and only became the rule in 1950. Until the first date most seats were two-member, one (the City of London) four-member, supplemented by thirteen three-member ones in the large cities. These last were created by Disraeli's 1867 Reform Act, each elector having only two votes, the limitation introduced with the deliberate intention of providing for minority representation. Until 1950 a number of two-member boroughs persisted, in which it had been often the case that the two members were not of the same party; this was indeed the way in which most members of the early Labour party, frequently in double harness with a Liberal, secured their entry into Parliament. There were also the twelve university seats, three of which were two-member and one three-member, all of these multiple ones elected on a system of a Single Transferable Vote.

Second the FPTP system, although familiar, certainly could not be said in recent decades to have produced a House of Commons the functioning of which commands strong respect. There has been a long history of attempts to replace or at least substantially to modify the system. Many of these go back well into the nineteenth century. There were two high points of such attempts. First, the 1917 all-party Speaker's Conference which unanimously recommended a switch to a Single Transferable Vote system in the cities and large towns, accompanied by the use of the Alternative Vote in the counties. The various propositions foundered in a series of cross party currents with unfavourable votes in a not very well-attended wartime House of Commons. Then in 1931, under the second Labour government, a bill for the introduction of the Alternative Vote got through the House of Commons, but was rejected by the Lords and was lost with the break-up of that government in the following year. The third occasion when there was a surge of criticism of FPTP was in the

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<sup>12</sup> The Report, pp. 5-6.

mid 1970s, when, following a perverse general election result in February 1974 (the Conservatives had a lead of 0.7% or 226,000 over Labour, but secured fewer seats, and the Liberals got only 2% of the seats for 19% of the vote), about a hundred Conservative MPs (in step with the CBI resolution of 1977) pronounced themselves in favour of electoral reform, the enthusiasm of many of them fading away during the long period of Conservative power in the 1980s. However such fluctuation of view in accordance with changing party need has by no means been peculiar to the Conservatives. The Liberals were indifferent to the issue during their ten years of early twentieth century power, and as late as 1917 the London Liberal Federation even produced a pamphlet entitled *The Case Against Proportional Representation*. The Labour party showed matching hostility in the years from 1945 to 1979 when they enjoyed somewhat more than an equal share of power. The Labour party renewed its interest in the late 1980s which led to the admirable analysis of the Plant Report. There is enough here to prompt the cynical thought that there has been an element of 'The devil was sick, the devil a monk would be, the devil was well, the devil a devil he'd be' about the attitude of all parties to electoral reform. Their desire to improve the electoral system has tended to vary in inverse proportion to their ability to do anything about it.

The rationale behind the discussion in the UK is therefore entirely different from that in the Netherlands. In the UK the principal point is 'fairness in electoral outcomes'. "The major 'fairness' count against First Past the Post is that it distorts the desires of the voters."<sup>13</sup> The Jenkins Commission later adds that the deficiencies of FPTP derive mainly from a natural tendency of the system to disunite rather than to unite the country. It argues that the principal deficiencies of FPTP are the following.<sup>14</sup>

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<sup>13</sup> The Report, p. 2.

<sup>14</sup> The rest of this section is almost entirely quoted from Section 3 of 'The Report of the Independent Commission on the Voting System'.

FPTP exaggerates movements of opinion, and when they are strong produces mammoth majorities in the House of Commons. And although there are clear advantages to clear cut results, there are also disadvantages to 'landslide' majorities, which do not in general conduce to the effective working of the House of Commons. Also, landslide majorities are regarded with considerable suspicion by the wider public, perhaps more so even than coalitions.

The FPTP system is particularly bad at allowing third party support to express itself. In the days when only a small percentage of electors did not vote for one of the two leading parties, this was not such a problem. But it becomes a problem when almost a quarter of the electorate does not vote Labour or Conservative. The fact that the 2.5% who voted in 1951 for the third party achieved an even lower percentage, barely 1%, was not a serious distortion. By 1974 this 2.5% had grown to 19.3% of the vote, but still yielded only 2.2% of the seats. And in 1983 the third party, then known as the Alliance, got 25.4% of the vote and 3.5% of the seats. Even in 1997, when the third party benefited from tactical voting, it still got only 7% of the seats for 16.8% of the vote.

This under-representation of a relatively strong minority party is very much a function of that party's appeal across geographical areas and occupational groups. When a party has a narrow but more intense beam, as with Plaid Cymru but less so for the Scottish Nationalists, its representation, although by no means perfect under the present system, approximates more to its strength. This is perverse, for a party's breadth of appeal is surely a favourable factor from the point of view of national cohesion, and its discouragement a count against an electoral system which heavily under-rewards it.

The same properties of FPTP tend to make it geographically divisive between the two leading parties, even though each of them can from time to time be rewarded by it with a vast jackpot. We have already seen how the 1997 election drove the Conservatives out of even minimal representation in Scotland, Wales and the big provincial cities of England. During the 1980s the Labour party was almost equally excluded from the more rapidly growing and more prosperous southern half of the country.

One thing that FPTP assuredly does not do is to allow the elector to exercise a free choice in both the selection of a constituency representative and the determination of the government of the country. It forces the voter to give priority to one or the other, and the evidence is that in the great majority of cases he or she deems it more important who is Prime Minister than who is member for their local constituency. As a result the choice of which individual is MP effectively rests not with the electorate but with the selecting body of whichever party is dominant in the area. Unless the electorate is grossly and rarely affronted individual popularity in any broad sense hardly enters into the process at all.

The next criticism of FPTP is that it narrows the terrain over which the political battle is fought, and also, in an associated although not an identical point, excludes many voters from ever helping to elect a winning candidate. The essential contest between the two main parties is fought over about a hundred or at most 150 (out of 659) swingable constituencies. Even in a landslide election such as 1997 Conservative vulnerability or Labour hopes did not extend beyond the larger range, and in most elections the range has been even more narrowly confined. This indeed was explicitly recognised by what is regarded on all sides as the exceptionally efficient Labour machine in 1997.

The semi-corollary of a high proportion of the constituencies being in 'safe-seat' territory is not merely that many voters pass their entire adult lives without ever voting for a winning candidate but that they also do so without any realistic hope of influencing a result. In these circumstances it is perhaps remarkable that general election turnouts remain at or a little above a relatively respectable 70%. Although FPTP is often referred to as a 'majoritarian' system this is an increasing misnomer at the constituency level. To a growing extent it is a 'plurality' rather than a 'majority' system. In the four elections of the 1950s an average of only 86 or 13.5% of MPs were elected without having the support of a majority of those voting in their constituency. In the two elections of the 1990s these figures have risen to an average of 286 or 44%. The change is of course a function of the growth of support for the third party (and the fourth in Scotland and Wales). But as a fundamental weakness of FPTP is that it is inherently ill-at-ease with anything more than a two-

party pattern, this can hardly be regarded as an adequate excuse. It is a heavy count against a system which claims the special virtue of each MP being the chosen representative of his or her individual constituency if, in the case of nearly a half of them, more of the electors voted against than for them.

There is also not merely the regular divergence from a majority but occasionally from a plurality in the country as a whole. The perverse result of the first 1974 election has already been referred to. There was also the arguably equally perverse one of 1951, when the Conservatives, although polling 250,000 less votes than Labour, won a small overall majority of 17 seats and skilfully built 13 years of power on this slender base. The irony of that result for Labour was that in terms of crosses on ballot papers it was their best result ever. Both in absolute numbers and percentage of the votes cast they did better than they had ever done before, or have ever done since - better than in 1945, better than in 1997 - and yet they lost.

There is some, but not overwhelmingly strong evidence that FPTP is less good at producing parliamentary representation for women and for ethnic minorities than are most more proportional systems. In New Zealand, for example, Maoris and ethnic groups increased dramatically following the introduction of a proportional system. And in Germany where a similar system is used the proportion of women in the Bundestag is 26%. Both are significantly higher even than the current UK figure of 18%, itself a great improvement upon the less than 10% upon which it was stuck for half a century. But the point should be noted without giving it a weight which it cannot bear. There are also examples where a more proportional system has not been so successful in this area. In Ireland, for example, under the Single Transferable Vote rather than an Additional Member system, women make up only 13.9% of the Dail. Ultimately, under any system, it is the political parties who are responsible for candidate selection, and the matter is in their hands. Nevertheless, a party which has the will to increase female or minority representation might find it easier to do so under a system involving lists or slates of candidates than it would with a system which makes use exclusively of single-member constituencies.

A more certain, and in this list final, criticism of FPTP is its tendency to develop long periods of systemic bias against one or other of the two main parties. These periods of bias (apart from that against a widely-spread third party) are not necessarily permanent but while they last they are very difficult if not impossible to correct. They are in this respect rather like a little ice age or period of global warming. Bias essentially arises when a given number of votes translates into significantly more seats for one party than for the other. For the post-war period until about 1970, it ran in favour of the Conservative party and against the Labour party. It was largely a consequence of Labour piling up large unneeded majorities in its heartland seats (of which the old mining constituencies were the most conspicuous examples) while failing to pick up a full share of the key voters in the marginal seats. In the 1970s and the early 1980s there were fluctuations around an approximate equality. In the two elections of the 1990s, however, the bias of 1945-70 has drastically reversed itself. The number of votes achieved by the Conservatives in 1992 was not substantially different from that achieved by Labour in 1997. But the former election yielded the Conservatives only what proved a shaky and erodable majority of 21 (and one over Labour of 65) whereas the latter gave Labour an overall majority of 179 (and one over the Conservatives of 255). The discrepancy arises from a mixture of causes, ranging from the over-representation of Scotland and Wales (from which the Conservatives are now wholly excluded), through some inequality in the size of English constituencies, the Boundary Commission being almost inevitably a bit behind the game, and the impact of the Liberal Democrats being now (much more than in the 1980s) favourable to Labour than to the Conservatives, to the most important but most elusive factor, which is that the lowest percentage polls are in Labour (often inner-city) seats, and that in consequence a given number of Labour votes now produces more seats than the same quantity of Conservative votes.



### 2.3 *Conclusion*

The conclusion can be brief. Proposals for a new electoral system in the Netherlands are primarily driven by dissatisfaction with the weakness of the link between the elector and the elected. And that weakness is supposedly a direct consequence of the existing PR system. In the UK, on the other hand, the link between the electors and their representatives is not at all a matter of debate. There it is the lack of proportionality and consequent lack of 'fairness' that constitute the primary reason for the recent proposal.

## 3 **The proposals for new electoral systems**

As we mentioned above, the discussion about the electoral system has resulted in both countries in more or less official proposals for a new electoral system. Here we shall outline the main thrust of the proposals. We shall then briefly compare the proposals on the basis of the various variables that can be distinguished in electoral systems (electoral formula, district magnitude, electoral threshold, assembly size, the ballot structure, malapportionment and linked lists).<sup>15</sup>

### 3.1 *The proposal for the Netherlands*

There are currently several proposals being debated. The variant which has received the most attention up to now is more or less a combination of elements of the German and Irish systems. This is one of the variants developed by us at the request of the state secretary of Home Affairs. In his request, the state secretary formulated the following requirements, which any proposal would have to meet:

I. It would have to provide the same degree of proportionality as the present system;

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<sup>15</sup> Lijphart, *op. cit.*, pp. 10-15. By definition the eighth variable (the difference between parliamentary and presidential systems) does not apply.

- II. It would have to be possible to introduce it without amending the constitution;
- III. The electoral system must not adversely affect the opportunities for women and minorities to gain a seat;
- IV. Political parties must be able to create well-balanced parliamentary parties; it is for the parties themselves to decide what is well-balanced.

Broadly our proposal is as follows. The key objective is to give electors more influence on the individual candidates who are elected, without thereby affecting the distribution of seats among the parties. In other words, the voter must have more say on the people who are elected to Parliament, but the new system must not affect the balance of power between the parties. And in particular the new system must not put the smaller parties at a disadvantage.

In order to achieve this objective, we propose that the outcome of elections should be determined as follows. First the number of seats gained by each party is determined and then the individuals who are to occupy these seats.

The distribution of seats among the parties would be determined in the same way as at present. Changes in the distribution of seats and consequently in the balance of power between the parties are not therefore to be expected under this system. In this respect there is no difference from the present system. That is not, however, the case in terms of the way it is decided which candidate MPs will occupy the seats. It is proposed to divide the Netherlands into constituencies. Each province and all municipalities with more than 300,000 residents will form a constituency. In each constituency one MP will be elected per 150,000 residents. As a result 100 MPs will be directly elected by the voters. The other 50 seats will be determined on the basis of lists that have been drawn up by the parties before the elections.

In order that the elector should be given every opportunity to indicate his preference, he will be able to number the candidates on the ballot paper in the order of his choice. He will also be able to distribute his preference across various parties. For example in the constituency Amsterdam, voters could rank Wim Kok (PvdA, Socialist) number one

and Frits Bolkestein (VVD, Liberal) number two. When the seats are allocated, these numbers could be taken into account. If a candidate is elected with more votes than necessary, the surplus votes would be transferred to the candidates that have received the voters' second preference, according to a certain formula. And if the second preference candidate is elected, the votes would transfer to the candidate that had been given third preference etc.

This was one of the variants we worked out. Another involved the allocation of three preference votes to each voter, which he could distribute across the candidates as he chose. A third variant entailed adoption of the German electoral system, but without the 5% threshold.

### *3.2 The proposal of the Independent Commission on the Voting System for the United Kingdom*

The government asked the Jenkins Commission to recommend the best alternative system or combination of systems to the existing 'First Past the Post' system of election. The Commission was asked to take into account four not entirely compatible requirements. They were:

- broad proportionality
- the need for stable government
- an extension of voter choice
- the maintenance of a link between MPs and geographical constituencies.

What now is the core of this proposal? The following summary has largely been borrowed from the commission's own 'Recommendations and conclusions'.

The commission's central recommendation is that the best alternative for Britain to the existing First Past the Post system is a two-vote mixed system which can be described as either a limited additional member system or an alternative vote top-up. The majority of MPs (80 to 85%) would continue to be elected on an individual constituency basis, with the remainder elected on a corrective Top-up basis which would

significantly reduce the disproportionality and the geographical divisiveness which are inherent in FPTP.

The essence of the system is that the elector would have the opportunity to cast two votes, the first for his choice of constituency MP, the second for an additional or Top-up member who would be elected for the specific and primary purpose of correcting the disproportionality left by the constituency outcomes, and could thus be crucial in determining the political colour of the next government. The counting of the second votes must be done in such a way that the central purpose of the 'Top-up', which is leverage towards proportionality, is maintained. This means that account must be taken, not only of how many second votes a party has received, but also of how many constituency seats in the area it has already won.

Within this mixed system the constituency members should be elected by the Alternative Vote. The Commission recommends that the second vote determining the allocation of Top-up members should allow the voter the choice of either a vote for a party or for an individual candidate from the lists put forward by parties. They should therefore be what are commonly called open rather than closed lists.

The Commission recommends that, in the interests of local accountability and providing additional members with a broad constituency link, additional members should be elected using small Top-up areas. The Commission recommends the areas most appropriate for this purpose are the 'preserved' counties and equivalently sized metropolitan districts in England.

The Commission recommends that the Top-up members should be allocated correctively, that is on the basis of the second vote and taking into account the numbers of constituency seats gained by each party in each respective area, according to the following method:

- the number of second votes cast for each party will be counted and divided by the number of constituency MPs plus one gained by each party in each area;

- the party with the highest number of second votes after this calculation will be allocated the first Top-up member;
- any second additional member for an area will be allocated using the same method but adjusting to the fact that one party will already have gained a Top-up member.

The commission recommends that the proportion of Top-up members needed for broad proportionality without imposing a coalition habit on the country should be between 15% and 20%.

The Commission stresses that all members of the House of Commons whether elected from constituencies or as Top-up members should have equal status in Westminster. The Commission recommends that Top-up member vacancies, which are unlikely to be more than two or three a parliament, should be filled by the candidate next on the list of the party holding the seat. If there is no available person the seat should remain vacant until the next general election. Constituency vacancies would of course be filled by the normal by-election procedure.

In the Commission's view the proposal is the most optimal within the given requirements. There is no reason whatever to assume that the proposed electoral system would have a negative impact on stability of government. It does not provide for pure proportionality. Even where a party wins just under 50% of the vote, the consequence would be a single-party government, which stands out 'like mountainous land masses rising above the surface of the ocean.'<sup>16</sup> However the proposal will result in 'broad proportionality' and very much reduce the injustice that third and fourth parties suffer under the present system. By maintaining single-member constituencies and electing Top-up members in a manner which is at once devolved and pays regard to historic local entities, a link between MPs and geographical constituencies will be maintained. Moreover, by adopting the alternative vote as the ballot structure, an extension of voter choice will also be achieved. In addition the alternative vote has several other advantages. First, there will be many

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<sup>16</sup> The Report, p. 37.

fewer 'wasted votes' in the constituency side of the election, and far more voters will potentially influence the result. This will encourage turn-out and participation. Second, it would encourage serious candidates to pitch their appeal to a majority of their constituents, rather than just seeking to target a hard-core minority of the party faithful. This should lead to more inclusive politics than FPTP. Third, because second and subsequent preferences may count, it will discourage individual candidates from intemperate attacks on their rivals, since they will be hoping to gain their second votes and will not wish to alienate their supporters. This should contribute to the more consensual and less confrontational politics to which the majority of the public appear to aspire. In addition to this there is another crucial advantage of AV. Using FPTP in a mixed system means that each party in each constituency will seek to confront all others in order to maximise its own seats in the election, doing any necessary deals only after the polls have closed. By contrast, the use of AV in constituencies militates strongly against this.<sup>17</sup>

### 3.3 *Comparison*

In both countries a two-tier mixed system is proposed. A comparison based on the variables distinguished by Lijphart produces the following picture.

As far as the electoral formula is concerned, both countries opt to stay with the current system: in the Netherlands a PR system (subtype highest averages) and in the UK a majoritarian system, albeit that the Jenkins Commission recommends adopting the Alternative Vote in preference to FPTP, and that the two tier system aims to achieve a certain correction in the outcome as a result of which it operates more proportionally.

Fairly radical changes are proposed in the ballot structure. In the UK electors would receive two votes: one for a constituency candidate according to the system of the Alternative Vote and one for a party or Top-up candidate. In the Netherlands electors would vote in

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<sup>17</sup> The Report, p. 38.

constituencies according to the system of the Single Transferable Vote. Because the Single Transferable Vote is in principle the same as the Alternative Vote, but then for multi-member districts, it is reasonable to conclude that a similar ballot structure is proposed for both countries.

As far as district magnitude is concerned, in the UK it is proposed to retain single-member districts, whereas in the Netherlands purely multi-member districts ranging in size from 2 to 15 seats are proposed.

In terms of the electoral threshold, no change is proposed in either country. In the Netherlands explicit provision is made for maintaining the existing threshold of  $1/150^{\text{th}}$  of the number of votes cast (in other words the electoral threshold is the same as the quotient). In the UK there is no legal threshold, but it cannot be ruled out that the proposal will mean a change in the actual threshold.<sup>18</sup>

As regards assembly size, both proposals explicitly assume there should be no change.

As far as possible malapportionment is concerned the Jenkins Commission proposes that the existing under-representation in Scotland and Wales should be removed. The Dutch proposal does not discuss this topic.

Finally, linked lists. This topic is not considered in the UK proposal, although they could in theory be used for the allocation of Top-up seats. In the Dutch proposal no changes are proposed compared to the present system, which allows linked lists.

#### 4 Closing remarks

In terms of conceptions of representation, the discussion revolves around two contrasting conceptions: a 'microcosm' conception and a 'principal agent' conception of representation.<sup>19</sup> The microcosm conception implies that as far as possible there must be identity between the voters and the elected body. Parliament should be a 'representative sample' of the

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<sup>18</sup> Cf. Lijphart, *op. cit.* p. 25 ff.

<sup>19</sup> Farrell, *op. cit.*, pp. 5-6 and Ankersmit, *op. cit.*, p. 9 ff.

population, both in terms of its views and its composition. The 'principal agent' conception assumes that the elected representatives are supposed to represent the interests of the voters. A PR system is most appropriate to a microcosm conception, while supporters of the principal agent conception are mainly to be found among advocates of a non-proportional system.

The principal agent conception was dominant in the Netherlands at any rate for the greater part of the nineteenth century. It was also the dominant conception in the UK for many years (and perhaps it still is). It provides the strongest argument in defence of a Parliament that consists largely of middle-aged, upper-middle-class men.

Today the microcosm conception seems to have the upper hand in the Netherlands. Voters vote, at least in theory, not so much for a person they regard as competent, but for the party they feel most closely reflects their political convictions. Parties attempt to achieve identity between the political convictions of part of Parliament and of part of the electorate by means of political manifestos, to which candidate members commit themselves. But the parties also ensure some degree of personal identity between the voters and their elected representatives. They do this by drawing up lists of men and women, young and old, city dwellers and inhabitants of rural areas etc.

However Ankersmit demonstrates convincingly that there can ultimately be no question of identity. Decision-making by Parliament must be more than the sum of the individual interests or the greatest common denominator. To illustrate this he cites Burke, whose words have lost none of their relevance:

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberate assembly of one nation, with one interest, that of the whole – where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament.<sup>20</sup>

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<sup>20</sup> Quoted by Ankersmit, *op. cit.*



This does not mean that a Member of Parliament, once elected, can then ignore his electors. On the contrary, he will constantly have to take account of them, because he will come face-to-face with them at the next election. And the voters will not hesitate to elect his opponent if they feel he will represent their interests or views better. According to Ankersmit this means that in the end the opinions and interests of the voters must be an ingredient in decision-making by Parliament, without ever being decisive.<sup>21</sup>

We subscribe to Ankersmit's conclusion that as far as representation is concerned, identity between MPs and their electors is fundamentally not at issue. This conclusion does not however imply – in an academic sense – the end of the political parties and their efforts to identify with the electors in both their manifestos and their candidates.

What does the above mean if we try to translate it in terms of the subject of this paper, the proposals for electoral reform? The view that representation is primarily about electing the person who will best represent your interests is consistent with the FPTP system. That women and minorities have less chance of being elected is not in principle relevant. The candidate elected is elected to represent the entire constituency, or even better: the nation as a whole. This is entirely consistent with the British convention that MPs, once elected, regard themselves as representing the entire electorate within their constituency regardless of which party individual electors supported.<sup>22</sup>

The PR system corresponds with the idea of identity between electors and elected.<sup>23</sup> Voters do not essentially vote for a person as such, but for the ideas that person stands for, as evidenced by the election manifesto of the party he or she has committed himself or herself to. The list system enables the parties to ensure some degree of identity between electors and elected also in terms of the individual candidates.

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<sup>21</sup> Ankersmit, *op. cit.*, p. 14.

<sup>22</sup> The Report, p. 3.

<sup>23</sup> It is no accident that the transition in the Netherlands from a majoritarian system to a PR system occurred after the liberation movements at the end of the 19<sup>th</sup> century had been successful.

From the discussion on electoral reform in the two countries we can however conclude that neither of the two extremes is satisfactory in practice. In the UK the fact that third and fourth parties have hardly any chance and the fact that women and minorities are under-represented among MPs are regarded as serious objections to FPTP. Some degree of correspondence between the ideological preferences and composition of Parliament is thus also regarded as desirable there.

In the Netherlands, on the other hand, the objections were in the past primarily directed at the lack of voter influence on the composition of the government whereas today they are more concerned with the lack of influence on the individuals who take a seat in Parliament. And in particular the lack of a link between electors and elected. It may be paradoxical, but it certainly seems that voters are unable to identify with the MPs they elect.

Against this background it is entirely logical that the proposals of the Jenkins Commission in the UK and the present authors in the Netherlands both favour mixed systems. Systems in which both aspects are combined. On the one hand with constituencies where local or regional representatives are elected, and on the other hand with proportional representation of parties, in other words, representation of ideas and of women and minorities. It is also logical that the Jenkins Commission proposal should be closer to FPTP and that our proposal should be closer to the current Dutch system of PR.

Utrecht, April 1999

## **Annex**

### **The main concepts**

#### **Electoral Formula**

The electoral formula is the manner in which the votes cast are translated into seats. Three main types of electoral formulas and a large number of subtypes within each of these are usually distinguished: majoritarian formulas (with plurality, two-ballot systems, and the alternative vote as the main subtypes), proportional representation (classified further into largest remainders, highest averages, and single transferable vote formulas) and semi-proportional systems.

#### **Ballot Structure**

Ballot structure is about the manner in which electors are able to make their preference known. Most common is a ballot structure in which the elector can cast a single vote, but there are also countries in which an elector can cast several votes (e.g. Luxembourg). In Germany electors have two different votes: one for purposes of the national distribution of seats and one for the election of a constituency candidate. The system in Ireland gives electors the most freedom: they can number all candidates on their ballot paper in the order of their preference (compare below the Single Transferable Vote).

#### **First Past the Post**

The system currently used for electing members to the British House of Commons is a plurality system with single member constituencies. Winning candidates simply gain more votes than any other candidate on

a single count. This need not be an absolute majority of the votes cast in a constituency.

### **The Alternative Vote (AV)**

The Alternative Vote, which like FPTP is based upon single member constituencies, is a majoritarian system. Winning candidates secure the support of over half the voters in a constituency. The vote is exercised by recording preferences against the candidates on the ballot paper. If no candidate receives more than half of the votes cast on the first count of first preference votes, the candidate who received the fewest first preference votes is eliminated and his/her second preferences are distributed between the other candidates. This process continues until one candidate has achieved an overall majority.

### **List Systems**

The rationale of list systems is to translate directly a party's share of the vote into an equivalent proportion of seats in parliament. The precise proportionality of such systems will, however, be influenced by such factors as whether the country is treated as a single constituency for the purpose of voting and the allocation of seats (some systems involve the use of smaller, regional or sub-regional units or two-tier districting), the use of differing electoral formulae for the allocation of seats and the use of thresholds.

### **Single Transferable Vote (STV)**

The Single Transferable Vote system is essentially preferential voting (as in AV) in multi-member constituencies. Voters are able to rank as many candidates, both within parties and across different parties, as they wish in order of preference. Any of those candidates who reach a certain

quota are deemed to have been elected. The surplus votes of candidates elected on the first count and the votes of those with fewest votes after subsequent counts are distributed on the basis of preferences to the remaining candidates until sufficient candidates reach the quota and are, as a result, elected.

### **Mixed systems: the Additional Member System (including AV or SV Top-up) and Parallel Systems (AMS)**

The title of mixed system describes any system which combines a list system element together with a plurality or majoritarian single constituency system. Under an additional member system, voters cast two distinct votes – the first for a constituency MP and the second a party vote. The allocation of additional members then serves to correct the disproportionality which arises from the election of single constituency MPs. Under a parallel system, the two votes are independent of each other and the additional members exist to mitigate rather than correct any disproportionality in the return of constituency members.