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# Assessing how far Charter 88 and the constitutional reform coalition influenced voting system reform in Britain

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# Assessing how far Charter 88 and the constitutional reform coalition influenced voting system reform in Britain

**Patrick Dunleavy**

*Abstract:* Lead in large part by Charter 88 and the Scottish Constitutional Convention, the activities of the constitutional reform movement since the early 1990s have clearly helped to introduce new proportional voting systems into UK politics. Yet, at the same time, the Labour governments after 1997decisively rejected voting reform for the House of Commons and dragged out Lords reform to prevent any direct election of a second chamber. To explore how Charter 88 and other groups influenced this process I first examine and critique the conventional wisdom that the reform movement's influence had minimal influence, as expressed by Anthony King's 2007 book, *The British Constitution*. Second, to illuminate the processes that King leaves so obscure, I chart three critical games played largely inside the Labour party from 1994 to 2003:

- the pre-election game that lead to Blair's initial pledge of a referendum on voting reform;
- the 'new institutions' game that produced a welter of new proportional voting systems everywhere else but Westminster; and
- the post-landslide game that lead to Labour reneging on the voting system referendum pledge, plus taking no action on Commons or Lords electoral reform.

Despite these latter setbacks a large-scale transition of UK voting systems has already taken place. British voters are increasingly used to proportional representation and the defence of plurality rule is intellectually dead (as the weaknesses of King's analysis inadvertently demonstrate). So the overall story is one of unprecedented success for electoral reformers, of a piece with the ineluctable transition to complex multi-party systems across all the nations and regions of the UK.

Most commentators on the introduction of major electoral reforms as part of the radical constitutional re-foundation carried out by the first Blair government (1997-2001) have been defeated by the curious and paradoxical way in which change was accomplished. Apparently radical innovations were implemented in voting systems for new institutions *at the same time* as the UK electoral and constitutional reform lobby suffered a major defeat, with Labour's unequivocal rejection of the Jenkins Commission report on voting reform at Westminster. The current literature, written by people close to the Labour and Conservative party elites, mostly contrives to suggest that nothing *important* changed (or changed for the better) as a result of Labour's reform spasm.[1] New solutions were conceded for unimportant institutions, but the Westminster core was full protected, maybe for decades ahead.

> For instance, the historian Brian Harrison remarked prospectively in 1995:
>
> 'It remains difficult to see how the electoral system which could launch us into a multi-party system can now come about. The Conservatives oppose it, and if they do not constitute the largest party at the next election their successors in that position will have no interest in introducing it'.[2]

Harrison correctly predicted Blair's and Labour's refusal to undertake any Commons reform. But he was also fundamentally wrong in claiming that 'there are some signs that we are well into a seventh phase' of what he apparently sees as a virtually indestructible two party system, a phase 'whereby two-party polarization resumes through the parties of the right and left competing to eat up the centre ground'. Instead Britain has transitioned to multi-party politics *at the same time* as Westminster remained unreformed.[3]

This paper seeks to shed some new light on how the constitutional reform movement lead by Charter 88 helped to achieve this dual-aspect outcome. The argument has two parts. The first critiques the widespread conventional wisdom of 'Westminster model' exponents that the UK's constitutional reformers largely failed in their aims in this period, a view recently summarized by Anthony King in his (2007) book, *The British Constitution*. This would-be authoritative text may stand in for a much wider literature in its approach and its failings. King attributes almost all the convoluted trajectory of electoral reform to confusions, changes of mind and Machiavellian or manipulative behaviour by Tony Blair. The Prime Minister is portrayed as a would-be reformer who responded (after earlier wobbles) to inescapable long-run constitutional imperatives, plus a fairly crude *realpolitik* of party

self-interest, so as to maintain the status quo. King's account marginalizes the role of Charter 88 and other allied pro-reform bodies, whom he stigmatizes from the outset as a small and uninfluential group of legal and academic 'constitutional holists'. Yet when examined in detail King's count is often no more than an inferred fictional narrative, constructed around long-lived 'Westminster model' prejudices.

The second part of the paper considers what virtually all commentators agree is the critical locus of attention for this period - the cyclical-looking policy process inside the Labour party, where:

- The party had an indeterminate or hard-to-fix position on electoral reform before the 1997 general election.
- Then, in office, the government quickly implemented new and radical proportional voting systems for a series of new constitutional bodies and the European Parliament. And yet
- The government completely reneged on its binding manifesto pledge to hold a referendum on an alternative voting system for Westminster (proposed by its own Commission). Instead Labour fully committing to maintain plurality rule elections for the House of Commons for the foreseeable future, producing stasis also in electing a second chamber and changing voting systems in English local government.

I argue that three factions inside Labour's ranks – reformers, centrists and ultras opposed to any change - had pretty stable positions throughout. What changed here was the situations in which different decisions were made, especially the political logic and the supply of detailed solutions available to the three factions. At Westminster the key transition was from Labour's initial uncertainty over the 1997 election outcome to its post-election landslide of Commons seats. But for other institutional contexts the same transition made little difference. Pro-reformers won Labour's internal debates elsewhere because they had detailed expertise and solutions to offer, which Labour's centrists in the end preferred to the ineffective, 'no change, no ideas' stance of the ultras.

## 1. THE IMPACT OF CHARTER 88 AND THE REFORM COALITION IN HELPING TO CHANGE UK VOTING SYSTEMS

For decades both Conservative and Labour elites have strongly believed in an interpretation of what they are doing called the 'Westminster model'. This is 'an element of the British political tradition which sees governing as a process conducted by a closed elite, constrained by an ethos of integrity with concern for the public good and contained within the framework of a balanced and self-adjusting constitution'.[4] In the most brazen fashion this model is used by governing elites to justify massive disproportionalities in the way that the UK voting system treats different parties.[5] The model also has many academic exponents who seek to rebut or marginalize criticisms of defects in UK governance, wherever possible. They generally deplore arguments for any systematic or rationalist programme of constitutional reform and deprecate any influence in practical politics that reformers seem to achieve.[6]

Yet until recently this conventional wisdom has been rather silent or elusive on the subject of why and how so much constitutional reforms and especially voting systems changes have in fact been undertaken since 1997. Early treatments by journalists told a narrative of ministerial doings and manoeuvres, but largely ignored the political, cultural or other reasons why sweeping reforms were suddenly being considered.[7] Other early academic accounts also came mainly from lawyers uninterested in voting systems change, or electoral systems specialists focusing on some impacts of changes more than how they came about.[8] Happily for the current paper, this gap has now been remedied by Professor Anthony King's extended exposition of the pure milk of Westminster model views in his 2007 tome, *The British Constitution*.[9]  Self-consciously claiming to be a Bagehot-style exposition for the modern period (in itself a rather revealing ambition) the book offers an unremittingly conservative analysis. On its final page, King argues that recent constitutional changes have muddied the previous system and are incoherent: 'Enough is enough, one might think – if not forever, then at least for the time being'. Assuming therefore that we can take King's Westminster model credentials as read, it is illuminating to analyse in detail how he goes about his job of interpreting and explaining constitutional reform pressures. In particular, he offers an account of the introduction of new voting systems in an encouragingly titled chapter 'Democracy rampant'.

Unsurprisingly, King offers an unambiguously downbeat picture of the impacts of the constitutional reform movement and of Charter 88 in particular. Across

his book's voluminous 437 pages he finds space for just a single paragraph on the largest ever social movement focusing on constitutional affairs in modern British history. The movement's activities are not referenced any further in the book. It is worth quoting King's attempt at magisterial judgement in full:

> 'Support for across-the-board constitutional reform came from individuals and small groups of individuals, mostly lawyers, academics and journalists, together with a smattering of active politicians, most of them… on the centre-left of politics: Liberals, Social Democrats and Labour party moderates. It also came from an umbrella campaigning organization called Charter 88… It ran a small office, published pamphlets and briefing documents, and conducted low-level propaganda throughout the following decades. It heightened consciousness on constitutional issues and contributed to debates on a wide range of such issues. It still exists today. Charter 88 and the other holists failed, however, to achieve their principal aim… Despite all the thought and all the effort that went into the holistic project, it was to all intents and purposes dead by the end of the 1980s or, at the least, by the early 1990s – in either case, remarkably soon after Charter 88 was set up. The truth is that, in the political environment then existing, holistic reform never stood a chance'.[10]

Thereafter, for the rest of the book, King refers sweepingly but vaguely to 'constitutional holists' whose works are almost never referenced in detail and whose positions seem to feature chiefly as a pile of sawdust already swept into the corner by the broom of history. Only one chapter goes further to give any explanation of why constitutional reform should have been topical at this period in British politics. Just three 'holist' documents are specifically analysed here.[11] One is Lord Hailsham's pronouncements on elective dictatorship from the 1970s, which gets most coverage even though its author immediately renounced his previous position when he regained office under Margaret Thatcher. A second is Lord Scarman's lecture that helped found Charter 88, not a fact apparently known to King. The final holist text is the written constitution drawn up by the Institute for Public Policy Research, where King does mention, vaguely, a Charter 88 influence. Apparently King did not find it necessary to consult any other documentation produced by Charter 88, or indeed any other constitutional reformers.

Now a possible explanation here is that King's is a history that has no 'chapter and verse' on anything. For instance, he is also completely vague on the governmental process by which the Labour party implemented constitutional reform. He finds no space to mention anywhere in his voluminous account that Blair set up a specific Constitutional Reform Committee of the Cabinet, which steered through all the key

legislation on constitutional issues, including devolutions to Scotland, Wales and London, action on the Human Rights Act and the associated choices of all the new electoral systems. The Committee was chaired by Lord Irvine, mentioned three times in the book, once for being conservative on human rights, a second time for being sacked as Lord Chancellor and a third time for a lecture he gave (while Chair of the Committee) claiming that the government's reforms were 'coherent' and integrated', (on which King opines that he 'almost certainly did not believe that particular passage').[12]

This extreme vagueness never inhibits King from explaining how changes were made, however. His approach is chiefly to infer from afar and in a mystic, unreferenced way (that only he can substantiate) what was going in the mind of Tony Blair or (even more vaguely) the mind of the Labour government as a whole. To both Blair and the government he routinely ascribes superhuman powers of effortlessly defining and deciding on decisions. Armed with his personal exclusive insight into Blair's reasoning or the government's collective mind, King can glide at high level across the constitutional changes he describes giving a seemingly authoritative but actually wholly inferred aerial view.

Turning to his account of the specific process by which electoral reforms were introduced, King gives the work of the Scottish Constitutional Convention only about the same amount of space as he does to Charter 88, although framing his comments in a more generous way.[13] Little is said about the Convention's key role in defining 'British AMS', the variant of the Additional Member System eventually implemented in the Scottish Parliament, the Welsh National Assembly and the Greater London Assembly. (The distinctive features of British AMS are that there are more local constituency seats than list seats, the list seats are allocated using a d'Hondt formula and voters get two votes).[14] Readers learn that the government was under some pressure to choose proportional voting systems for new bodies in Scotland. But apart from Blair's ambitions to absorb the Liberal Democrats and marginalize the Labour left wing, and the two parties' dislike of the SNP (which wanted electoral reform anyway), readers never learn where the incentives to adopt PR came from.

King also finds no space to mention any activities of other key voting reform groups, nor to reference any publications from them or media coverage they secured. The process by which these groups in co-operation with Charter did so much to

change public, media and politicians' opinions is left undiscussed. Thus there are no mentions of

- the Electoral Reform Society (ERS), a well-funded and ceaseless campaigner for change, especially towards STV;
- the Labour Campaign for Electoral Reform, critical in changing the profile of the issue inside Labour's ranks, the trade unions and in the Commons);
- Make Votes Count, a later umbrella campaign body that pooled the inputs of many pro-reform bodies;
- the Democratic Audit of the UK, a key intellectual critique body which contributed a series of influential surveys on reform issues for more than a decade, ironically based at King's own University of Essex for much of the period; or
- the Joseph Rowntree Reform Trust, the 'agitprop' foundation endowed with Rowntree money. Under its chairman Trevor Smith (later Lord Smith) the JRRT sponsored at least four fifths of all events, polls and research supporting the electoral reform effort.[15]

Without these inputs King in fact has no description of what electoral reformers wanted at all. Neither of his two genuine 'constitutional holists', Scarman and the IPPR, ever took a position on a specific electoral system – indeed IPPR's written constitution said nothing much about elections. Even Charter 88 only favoured proportional representation in the broadest way. It maintained a consistently agnostic stance about which specific systems should be used for which setting, partly in order to avoid the risk of alienating one or more of the rather fissiparous groups above - amongst which the most potentially sectarian was ERS, guardian of an almost century long cause.[16]

At a number of points in King's account the primary player, Tony Blair, is said to have been under some pressure from within Labour's ranks to accept pro-reform solutions to elections issues. But who exactly was originating or sustaining this pressure? Its sources are never mentioned or described, beyond Blair's 'big tent' ambition to absorb the Liberal Democrats. Far and away Labour's leading constitutional reformer was Robin Cook, the Foreign Secretary in Blair's first Cabinet, and an active and influential member of the Constitutional Reform Cabinet Committee (despite his overseas affairs brief). Later Cook became Leader of House of Commons. Yet he is mentioned only twice, once later on bemoaning the Common's

inability to agree on how to choose members for a reformed House of Lords (p. 303).[17]

King's only other reference to Cook is a brief (and immediately negated) mention of arguably the most critical development for electoral reform across the whole Blair period:

> 'Several weeks before the 1997 election, a joint Labour-Liberal Democrat committee announced that the two parties had reached a firm agreement on the introduction of PR for European elections, and the committee's Labour chairman, Robin Cook, stated categorically that a new system would be introduced in time for the elections in 1999. However, Labour's manifesto published shortly afterwards, said only that the party had "long supported a proportional voting system for election to the European Parliament" and was silent on when such a system would be introduced'.[18]

Readers might be forgiven for not noticing that this is also King's only reference to the Cook-Maclennan agreement. Robert Maclennan the former Social Democrat leader and joint negotiator of the pact, rates no mention anywhere in *The British Constitution*. And King apparently does not know of the pact's many other elements - including setting up the Joint Committee of the two parties which met often until late 2000, new commitments to reform London government and to set up a voting reform Commission, plus cast-iron reaffirmations that PR systems would be introduced for Scotland and Wales.

Perhaps King might argue that his is an elite-level history, concerned primarily with top actors and their actions in government. Yet even in these terms the Cook-Maclennan pact was arguably the most consequentially significant and wide-ranging constitutional reform document ever agreed between two major UK parties across the twentieth century. McDonald comments acutely:

> 'The resulting document laid out a clear blueprint for much of what happened, especially in Labour's first term. As important was the existence of the committee itself in creating closer personal links between leading members of members of the two parties, which made a difference after 1997, not only in passing the legislation but also in setting up the Scottish coalition' [the joint Labour-Liberal Democrat administration which subsequently governed Scotland from 2000 to 2008].[19]

Similarly Inglis observes:

> 'these early years of Blair's governance saw the enactment of the Cook-Maclennan programme in large part. Although history may have overlooked the fact, Ashdown's strategy turned out to be very successful vis-a-vis the enactment of party policy..'.[20]

All but one of the elements contained in the pact were subsequently implemented by 2001 – the exception being the voting systems referendum on the Jenkins proposals. And the only constitutional reform ever implemented by Labour but not included in the pact was the later abolition of the Lord Chancellor's role and creation of a Supreme Court.

King also never noticed that the Cook-Maclennan pact exerted an enormous immediate influence on the 1997 general election, by helping to concert voters from the two opposition parties to tactically support each others' candidates in seats where their first preference party could not beat the Conservatives. This coming together boosted the Liberal Democrats' Commons seats overnight from 22 to 46, and greatly swelled Labour's landslide in Tory-Labour contests. Three quarters of Liberal Democrat voters gave their second preferences to Labour in 1997, a complete reversal of 1992 when two thirds of Liberal Democrat voters backed the Tories as their second preference.[21]

*Case study: electoral reform in London government*

As a way of exploring the limits of King's method in more depth I examine how Labour ministers in late 1997 to early 1998 went about choosing and introducing new voting systems for the London mayor and Greater London Assembly, a key reform covered by the Cook- Maclennan pact. King's account of the choice of assembly system is characteristically brief:

> 'London.. was something else again. The Blair government decided that what was good enough for Scotland and Wales – namely an additional member system of proportional representation – would also be good enough for the election of members of the new Greater London Assembly. But the regime for electing the new mayor of London would obviously have to be different. Under first past the post, especially if there were a large number of mayoral candidates, almost anyone – an independent, a Green, a fascist, a Conservative, even a frightful Labour maverick like Ken Livingstone – might stand for election and be returned on a minority vote. Such an outcome was, if humanly possible, to be avoided.
> The government therefore hit upon the device of something called the 'supplementary vote'… *[King then gives a three sentence description of the SV system]*… It formed no part of the Blair government's calculations that the maverick Livingstone might win even under a system designed to ensure that nobody like him could possibly win; but, in the year 2000, fighting as an independent against an official Labour candidates, he did win – decisively'.[22]

With the best will in the world it is hard to see this as anything more than a post hoc fairytale that King has invented to tide him over a sequence of events that he cannot explain and of whose actual course, actors and causal influences he apparently has no knowledge. There are a number of problems with King's account. Who exactly did the deciding is never made clear and nor is any intra-governmental process described. Key aspects of the Assembly and Mayoral set-up are not covered. And the decision is portrayed as quickly made, and transparently easy to decide.

The most significant aspects of the Greater London Assembly's final set up is that it has only 25 members, of which 14 are electing in large, multi-borough local constituencies, and 11 are elected London-wide using an AMS system. This set-up creates what could be a highly proportional at large election, but there is an additional legal threshold (unique in the UK) that requires parties to win 5 per cent of the London-wide vote (or a constituency seat) before becoming entitled to any list seats. Naturally these details go completely unrecorded by King. Yet electing such a small assembly in fact raises completely different problems from those of the 129 member Scottish Parliament or the 60 member Welsh Assembly.[23]

King's account of the origins of the Mayoral election system is also inadequate, because there is in fact no way of electing a single office-holder using AMS, STV or list PR, all of which require multi-seat constituencies before they can operate. In fact there are only three conceivably viable systems for this task – plurality rule, double ballots elections held a week apart (never seen as viable in because UK voters are highly unlikely to vote twice), and the Alternative Vote (AV) used in Australia, where voters number candidates in a preference order. The Supplementary Vote (SV) is a simplified form of AV that operates like an immediate double ballot election and rather closely fits the American label for AV, which is 'instant run-off'.

The fact that a highly proportional AMS solution was eventually chosen for the London Assembly and the Supplementary Vote for the mayoral election also reflected an extensive decision process involving actors not mentioned by King - primarily a junior minister in the Department of the Environment (DETR), Nick Raynsford, his civil servants in the DETR's Government Office for London (GOL), and the academic consultants hired by GOL. To a much lesser extent the choice of voting systems also involved the DETR Secretary of State, John Prescott (mentioned only once in King's book), the Cabinet's Constitutional Reform Committee (not

mentioned), and several instances of 'sofa government' involving the Prime Minister and Number 10 staff.

The decision process began with Nick Raynsford being sent by Blair on an extensive study tour of US and German cities with 'strong Mayor' patterns of government. Raynsford had a clear brief to create a new structure in London with a strong, executive mayor and the smallest feasible Assembly, with very weak powers - to stop it becoming another Greater London Council (abolished by Thatcher in 1986, which had 70 members). Raynsford has also been briefed that the Assembly must not have a clear geographic constituency system, to ensure that its members were orientated only to 'strategic', London-wide issues. Denying Assembly members any well-understood constituency base would prevent them becoming localists or duplicating the local representative role of London borough councils and councillors. To fit these various imperatives together GOL turned to academic consultants.

In their first report the consultants persuaded first the GOL civil servants and then Raynsford himself that a strong mayor could not be created with plurality rule elections. The Mayor's legitimacy would be much too low if there were many candidates and the winner secured only minority support – as they almost inevitably would in London (where historically around a fifth of votes are not cast for the Conservatives or Labour). Instead the consultants argued that an alternative multi-preference system was needed that would maximize the number of voters whose ballots counted in electing the eventual mayor. Such a system would automatically tend to mean that moderate candidates drawing support across more than one party would win in London (as has indeed proved to be true since 2000).

The consultants also argued successfully that AV could only be used for the mayoral election in tandem with STV for the Assembly election, because both systems ask voters to number candidates - it would be too confusing to ask voters to use X balloting and candidate numbering on the same day. The consultants favoured AMS elections for the Assembly because they allowed X voting and so could also be combined on the same day with other elections, like the general election or European Parliament election. (And in fact in 2004 London's voters actually cast five votes across the European Parliament and Assembly and mayoral elections all on the same day and minimal problems of voter understanding or confusions). Both the Government Office for London and Raynsford himself disliked the Liberal Democrats' favoured system, the Single Transferable Vote - chiefly because of it

necessarily requires multi-seat constituencies. With any reasonably sized constituencies STV implied a larger Assembly size than Blair wanted. By contrast the consultants demonstrated that an AMS solution was feasible and would operate proportionally with the smallest feasible Assembly size, which could be as low as 25 members.

Turning to the Mayoral voting system, King is clearly correct that 10 Downing Street staff were worried about Livingstone becoming the Labour candidate. But the Supplementary Vote in fact could have only a small effect in making either a Tory or a mainstream Labour candidate a likely winner in competition with a well-known and well-liked personality like Livingstone. Much more important in government ministers' thinking was that the SV system has Labour party origins, and by precipitating a run-off between the top two candidates it does not help the Liberal Democrats. The system was actually (re)invented in 1993 by one of the consultants and the Labour MP Dale Campbell Savours. Their submission to Labour's Plant Commission on electoral reform convinced Lord Plant to recommend the Supplementary Vote in the 1990s. In the specific context of a London at-large election, the consultants now recommended the SV system for Mayor to ensure that the largest number of voters could be involved in electing the single office holder and that the Mayor had a strong legitimacy base. The SV system could also be paired with an Assembly using an AMS system. These were the key arguments that Raynsford, the GOL civil servants and the Number 10 staff all accepted.

However, the proposals then went into the Cabinet's Constitutional Reform Committee, where a number of senior ministers opposed them, actually lead by Prescott, backed by top DETR civil servants less persuaded of the new systems than their GOL counterparts. Prescott and Irvine (the committee Chair) both complained about the proliferation of electoral systems in Labour's different reforms. They argued that there was nothing wrong with using plurality rule elections for both the mayor and Assembly. A number of committee members also felt that conceding PR elections within England would create a thin end of the wedge for wider electoral reform. For Raynsford, Blair and the Number 10 staffers this outcome was a potentially disastrous reversal. It clearly contradicted both the spirit and the letter of the Cook-Maclennan pact. If left unchanged Blair's advisors and Raynsford feared that it alone would probably lead to a withdrawal of Liberal Democrat support from all of the London proposals. Since the government needed to win a London-wide referendum in May

1999 on the whole reform package before it could be implemented, the Prescott-Irvine stance threatened a disaster.

So matters had to be rescued by Blair undertaking one of his 'sofa government' interventions with Raynsford and Prescott. The meeting reinstated the Raynsford/GOL/consultant proposals as before. Reprocessed through the Cabinet committee they were subsequently embodied in legislation. In a lecture given at the time Lord Irvine none the less still explained the Government proposals for a directly elected London Mayor as a minimalist variation away from plurality rule:

> 'We decided on the supplementary vote system: that is in effect, a system of improved first past the post. We did this because the Mayor will be in a unique position. Never before has so large an electorate voted for a single individual… The Mayor's authority will be enhanced by the fact that he will enjoy a broader base of support than might be achieved by first past the post alone. All this demonstrates our hostility to uniformity or symmetry for its own sake.[24]

As soon as the Bill began to be considered in Parliament the Government Office for London moved to convince the Liberal Democrat MPs and to head off Tory opposition to the voting systems by publishing the consultants' report in the Commons library. Whenever one or two Conservative critics in debates or committee tried to impugn the government's motives as partisan, or when Liberal Democrat MPs called for the use of STV, both Raynsford and Labour's spokespersons in the House of Lord repeatedly appealed to the report's neutrality and strong evidence-base. The report's credibility seemed to survive the legislative scrutiny intact and in the end virtually no criticisms were voiced in the Commons or Lords of either election schema. At a late stage in the drafting process in mid 1998 the consultants met with GOL civil servants again to recommend that a 4 per cent threshold should be added to the AMS list election. They were worried that an over-fragmentation of the 'other parties' vote could lead to a possible BNP or other extremist party victory on a margin as low as 2.5 per cent. Raynsford and GOL accepted this argument but ministers subsequently slightly strengthened the limit to 5 per cent (the limit used in Germany), mainly because of local Labour party discussions in London constituencies. Overall, there was a very consensual Parliamentary acceptance of Raynsford's and Blair's carefully based plans. The proposals were subsequently endorsed by 72 per cent of Londoners voting in the May 1999 referendum. This was a remarkably high level of support, and a significant difference from other referendums in England - where

voters have almost always rejected proposed new public bodies and policies with tax-raising consequences.

Alert readers may already have noted here that my more detailed account of the voting system choice process in London is not much better referenced than King's. So where is the evidence to support it? I should come clean at this point and say that LSE Public Policy Group were the academic consultants for the two London elections and so my account above is based on what Nick Raynsford, GOL staffers and Number 10 told me throughout the process. The research involved was mainly undertaken by Helen Margetts (then at Birkbeck College) and myself and it remains easily accessible.[25] Its role in the policy process has also been well documented in official sources.[26] The main value of this mini-case study is to show that beneath the imputed certainties of high-level accounts like those of King and other conventional commentators, there is often an extremely complex 'bureaucratic politics' picture in which smaller events and the decisions and interactions of 'minor' actors can make a great deal of difference.[27]

One fundamental dynamic shown in the London case seems completely absent from King's picture of decision-making at any stage. To secure voting system changes it is not enough to be in favour of proportional representation systems as a class. Instead reformers always had to offer a *specific* scheme of reform and to demonstrate that it could be feasibly implemented in ways that delivered superior results to plurality rule. So proposals for new voting systems or for reform of existing voting systems always centrally depended on having available a better specific method appropriately adapted for the particular institution being created or reformed. Carrying over this key lesson into the broader discussion in the next part of the paper sheds important light on the different fundamental stages of the electoral reform 'game' inside the Labour party.


## 2. MODELLING LABOUR'S INTERNAL DEBATES ON VOTING REFORM

The basic set-up of electoral reform debates in modern Britain is one that makes the Labour party's attitude critical, because the Conservatives are firmly opposed to any changes, the Liberal Democrats are strong advocated of proportional representation and of STV in particular, and the Scottish and Welsh nationalist parties plus all the

smaller parties also advocate PR systems. The Conservatives have historically done very well out of plurality rule elections, holding governmental power for four fifths of the twentieth century, most notably in their unbroken period of hegemony from 1979 to 1997. Hence their defence of plurality rule is regularly enunciated as a fixed principle, even when it ran contrary to substantial Tory interests in PR in the devolution legislation. At times there has been some minor speculation on whether (at some future conjuncture) the party might embrace at least preferential voting in unchanged Westminster constituencies.[28] And the party has envisaged reducing the excessive number of MPs in the Commons.[29] Yet the unquestioned Conservative party stance still remains complete support for plurality rule and opposition to any change in how Westminster elections are run.[30]  So the only possible governing party that might introduce PR for Westminster has always been Labour.

The specific conditions that produced Labour's wobble towards reform was the party losing four elections in a row, first to Thatcher and then to Major. A factional debate grew up, driven by both pessimism at Labour's chances of winning outright again and by distaste for unchecked consequences of Tory rule.[31] At first this mood grew slowly but more strongly after 1987. Three groups of Labour opinion polarized around the following options:

*Radical reform (R)* – the acceptance or promotion of an immediate transition to proportional representation voting arrangements, usually linked to acceptance of the broader Charter 88 agenda of remaking UK institutions into a more normal, European-style pluralist democracy.

*Intermediate stance (I)* - advocacy instead of an openness to reform such as holding a voting system referendum or a willingness to look at intermediate solutions (like SV or AV and variants) In the Westminster context, intermediate systems would leave the plurality rule constituency system substantially in place, ameliorate some defects of plurality rule but stop well short of ensuring fully proportional elections.[32]

*No change (N)* - fully defending the plurality rule status quo and rejecting all changes. Despite Labour's losses from 1979 to 1992, exponents of this stance defended plurality rule's claimed tendencies to create 'strong, stable government' (code for single-party Labour administrations, every now and then) and to foster close links between MPs and their constituents.

I also distinguish three factional groups by the structure of their preferences across the strategies above.[33] (i) The *electoral reformers* preferred reform, then an intermediate stance, and saw 'no change' as the worst outcome (so their preference structure was R > I > N). Always a minority in Labour ranks they numbered around 60 MPs at the end of the 1992-7 Parliament with prominent leaders including Robin Cook, Mo Mowlem and Jeff Rooker. This group mainly lay on the centre-left of the party. Amongst the party membership its support was strongest outside Labour's traditional stronghold regions and outside the manual worker unions. (ii) By contrast the *'ultras'* on voting system were MPs (especially) and other party members who strongly favoured no change as the best outcome, with an intermediate stance second and radical reform as the worst possible outcome (so their preference ranking was N > I > R). This faction included around 100 MPs just before the 1997 election, prominent amongst them the Labour Deputy Leader John Prescott and Jack Straw. The ultra group drew especially strong support in northern industrial areas, with 'old Labour' party members, amongst Labour councillors (also elected by plurality rule) and with right-wing unions like the engineers (the AEEU).

(iii) The last and key factional group was *the Labour centre*, whose initial preference across strategies was first for an intermediate strategy and a willingness to look at the issue, in the light of Labour's interests and changed situation. Thereafter the centre's leaders (Tony Blair, Peter Mandelson and their immediate group) were undecided between whether to stick with plurality rule overall as a second preference or to consider reform. The Blair-Mandelson joint 'modernizing' project included the option of 'opening' towards the Liberal Democrats so as to create a dominant centre-left party in Britain, with a hidden sub-text of detaching Labour's 'hard left'. Hence we might represent their preference over strategies as I > {N, R}. However, most Labour MPs ascribed a lot of importance to the sheer practical difficulties of securing Parliamentary Labour Party agreement to reform. This consideration mostly tipped the centre grouping as a whole pretty clearly into being what Colomer terms soft-line incumbents, placing 'no change' as their second preference (and hence with a preference ranking over strategies of I > N > R). The centre included all the Labour MPs not in the other two groups, and in particular many careerist MPs and simple party loyalists without strong views for or against reform. The Labour leader, of course, disposed of enormous patronage powers as well as a strong ability to influence other elements of the party by giving an ideological lead. A wide range of actors from

ambitious MPs to genuine enthusiasts for 'new Labour' ideas and the leadership-supporting trade unions were ready to not just live with but swing behind the centre's decisions.
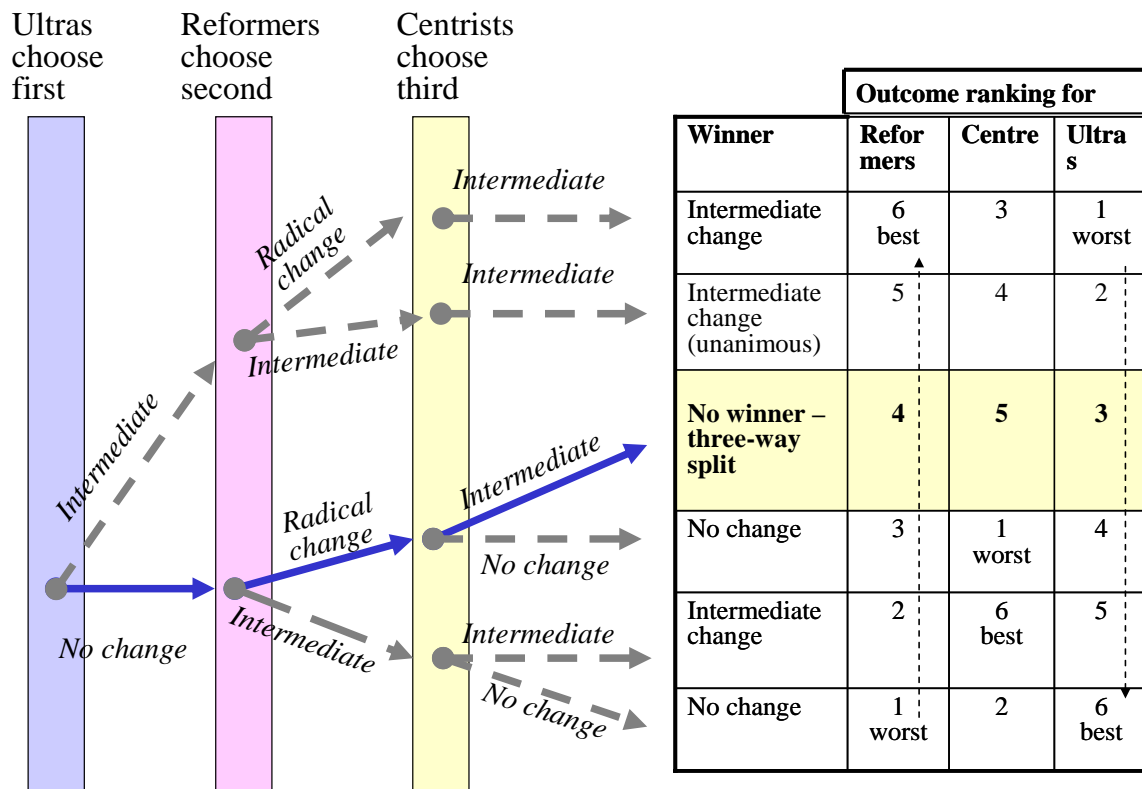
The factional debate between these three groupings had three overlapping stages:

*Stage 1: The pre-election game (1991-97).* Here the party conducted a bitter internal debate about maintaining its traditional stance of supporting plurality rule voting for Westminster or adopting instead a more proportional electoral system. After Labour's 1992 defeat an internal party commission lead by Raymond Plant recommended the supplementary vote (SV) for Commons elections as a half-way house reform. SV is a simplified form of the additional vote (AV) used in Australia's lower house. And an AV system was also legislated unsuccessfully in Britain by the 1929-31 minority Labour government specifically in order to retain Liberal support (see Hart, 1992). The Labour leader in 1992, John Smith, did not finally accept the SV compromise solution, but instead promised to hold a referendum on electoral reform if Labour won the next election.[34] This pledge was reiterated by his successor Tony Blair and contained in the 1997 Labour manifesto.

Blair's public stance was that he was 'un-persuaded' of the case for introducing PR for the House of Commons but remained open to counter-argument and evidence. But his growing closeness to the Liberal Democrats culminated in the formal and extensive Cook-Maclennan pact on constitutional reform, announced in the immediate run-up to the 1997 general election (see above). Thus Labour went into the election with a highly indeterminate position. Its powerful leader essentially offering both the pro and anti-reform factions in its ranks pretty contradictory signals. This phase ended with the run-away Labour victory in the 1997 election, which gave the party two thirds of the seats in the Commons for 44 per cent of the vote, as well as doubling Liberal Democrat MPs and under-representing the Conservatives more than at any time in the post-war period.[35]

Figure 1 shows an extended form version of this game. The ultra group made the first play by indicating strongly that despite four election defeats in a row they would always play a 'no change' position. They mustered rallies at party conferences, secured trade union funding, organized campaigning inside the party and early day motions amongst MPs, and used repeated hard-line opposition to any coalitions with

**Figure 1: The pre-election game**



| Winner | Outcome ranking for | | |
|---|---|---|---|
| | Reformers | Centre | Ultras |
| Intermediate change | 6 best | 3 | 1 worst |
| Intermediate change (unanimous) | 5 | 4 | 2 |
| **No winner – three-way split** | **4** | **5** | **3** |
| No change | 3 | 1 worst | 4 |
| Intermediate change | 2 | 6 best | 5 |
| No change | 1 worst | 2 | 6 best |

the Liberal Democrats to rally internal Labour support for opposition to PR. Their pronouncements centred always on the established Westminster and local council elections. Although often sceptical about devolution, the ultras were not vocal about voting systems for any other bodies, believing that Westminster was and would always remain the uncontested centre of all British political life.

The second group to play in the first stage game were the electoral reformers. Their position was complicated throughout the pre-election period by the fact that there are multiple possible systems for replacing plurality rule. Different members of the reformist group had varying views about which option would be best and how to rank the alternatives. In New Zealand this same lack of agreement meant that the first 1992 referendum on voting reform there presented voters with five possible alternatives to plurality rule. However, a lead alternative did emerge for the disparate New Zealand reform coalition, stemming from a previous very influential Royal

Commission report that favoured a 'mixed member proportional' system (the NZ label for AMS). It was this option which eventually beat plurality rule amongst voters in the referendum.

Without any similar core alternative to propose, the reformist group in Labour's ranks could at best argue for full-hearted reform, but in a vague, principles-only way. And this is what they did. The reform group might have been better off by settling for an intermediate solution (option I above) before the general election, which might have delivered the Labour centre's top preference and hence created a solid Labour majority for a modest Westminster change of system. But at this stage the reform group inherently could no more commit to any particular intermediate step (such as AV) than they could to a single full-hearted reform proposal. To do so would also have meant throwing away the chance of agreeing amongst themselves on a single proportional alternative to plurality rule and of persuading the centre to do something more radical.

The centre faction played last in the pre-election game for a number of reasons. First, the party leadership enhanced their leverage over the other two groups by doing so. Second, the centrists had some genuine difficulties in deciding what to do. After four clear-cut election defeats, the last against a weak Tory leader facing severe economic difficulties, the Labour leadership was still unsure that their party could win on its own, let alone win big against the incumbent Conservatives. In the run-up to 1997 Blair judged that he needed to remain open to the Liberal Democrats in case of a hung parliament or a majority too narrow to govern alone. So the centre's top option for the general election context remained playing an intermediate strategy either indicating an openness to be convinced of a reform case, or an inclination towards AV or SV without qualifying single-member constituencies in any way. Their second preference was for playing their traditional no change response on Westminster elections, both because it was a familiar, established position, and because the self-interest of MPs and the hopes of leaders and MPs for a single-party Labour government were associated with winning under the status quo – which would allow the full, established armoury of government powers to swing behind Labour issues and causes. Opting for radical reform before the election would have precluded the intermediate outcome which the centre sought, and would have immediately created a majority coalition inside Labour's ranks bound to implement reform. By contrast, retaining 'no change' as their second preference the centre was not precluded

from effectively changing their mind after the election. The extensive commitments to elect new institutions by systems other than plurality rule also helped maintain ambiguity.

Thus the Labour centre's ranking across outcomes in the bottom half of the game in Figure 1 was NII > NRI > NIN > NRN, with the first N indicating the ultras' already-played no change strategy, the second letter showing the reform group's strategy and the last the centre's strategy. The centre would have liked the reformers to adopt an intermediate approach, but the inescapable vagueness of the reformers' position at this stage meant that the eventual NRI outcome did not create much publicly visible disagreement. By contrast if the centre had opted for a no change position, there would have been low (instead of medium) pressure for change, and the new Labour links with the Liberal Democrats would be endangered. So Figure 1 shows that Labour went into the general election split three ways, with the ultras playing no change, the reformists playing radical reform (albeit in a vague, unformed way), and the centre playing an intermediate stance. By declaring early the ultras avoided their bottom two preferences, but got the worst result attainable once they had ruled out embracing any change. The centre got their second-best outcome overall, while the reformist group got their best feasible outcome short of the ultras agreeing to look at some kind of reform for Westminster.

*Stage 2: Post election – the new institutions game (1997-2000).* The impact of Labour's 1997 landslide was very adverse for electoral reformers in terms of their chances of changing Westminster over to a completely different proportional voting system. The result almost immediately sapped further the Labour centre's openness to reform ideas - which had been cooling even before the vote, as the party's general election victory seemed more assured. And it caused the immediate abandonment of Blair's tentative plans for furthering co-operation with the Liberal Democrats by offering them jobs in his cabinet.[36]

But the short-term implications of the landslide for introducing proportional electoral systems in new devolved bodies worked the other way. With its huge majority Labour could have absolutely no excuse for not proceeding quickly with its promised constitutional re-foundation. The Cook- Maclennan pact on constitutional reforms also tied Labour's hands in power, with a joint Lib-Lab committee at Cabinet level set up to co-ordinate agreed policies. Even the Labour ultras were painfully

aware that the 1974-9 governments of Wilson and Callaghan finally fell from power when there was insufficient public or multi-party support in referendums for its weak devolution settlements in Scotland and Wales. The botched 1970s plans of course included plurality rule elections, then certain to be dominated in both countries by Labour. This overt rigging strengthening other parties' opposition to or scepticism about the proposals. This background, allied with the need to win referenda on the new devolved bodies in Scotland, Wales and London, helps explain why these reforms were fully implemented with proportional and more inclusive systems of elections. An STV system was used again in Northern Ireland elections, chiefly for historical reasons and to try to foster voting across religious bloc lines. The UK's previously distinctive plurality rule elections for the European Parliament (also covered in the Lib-Lab pact) were scrapped and a new regional list PR system adopted consistent with other European countries. Thus by mid 2000 the UK's previously standard plurality rule voting system had been decisively supplemented by proportional voting rules, with virtually no significant public or private opposition by Labour opponents of electoral reform.

Figure 2 shows the game on constituting the Scottish Parliament, the Welsh National Assembly and the Greater London Authority.[37] The electoral reform lobby in Labour's ranks played first, with strong support for a detailed AMS scheme for the Scottish Parliament drawn up by the Scottish Constitutional Convention in the mid 1990s, subsequently extended in Wales after some modifications designed to appease Labour's ultras there.[38] By forcefully advocating well-developed, fully proportional systems for the new bodies, the reformers helped to set the agenda, even though the Labour centre might well have been preferred its top preference of an intermediate reform, and might have been able to assemble a party majority for such a solution with help from the ultras. Labour's reformers correctly reasoned that an early commitment to radical reform would make it difficult for the centre to go for a narrowly partisan devolution scheme - given that both the Liberal Democrats and the Scottish and Welsh Nationalists were also insisting on proportionality. The Scottish and Welsh Tories had been marginalized by losing all their Westminster seats in the two countries and by opposing any devolution change, so that they could not be mobilized by Labour ultras to help them in trying to block change. Finally the reformers gambled correctly that the ultras would not now want to damage Labour unity, after the 1970s experience when Labour rebels against devolution helped wreck
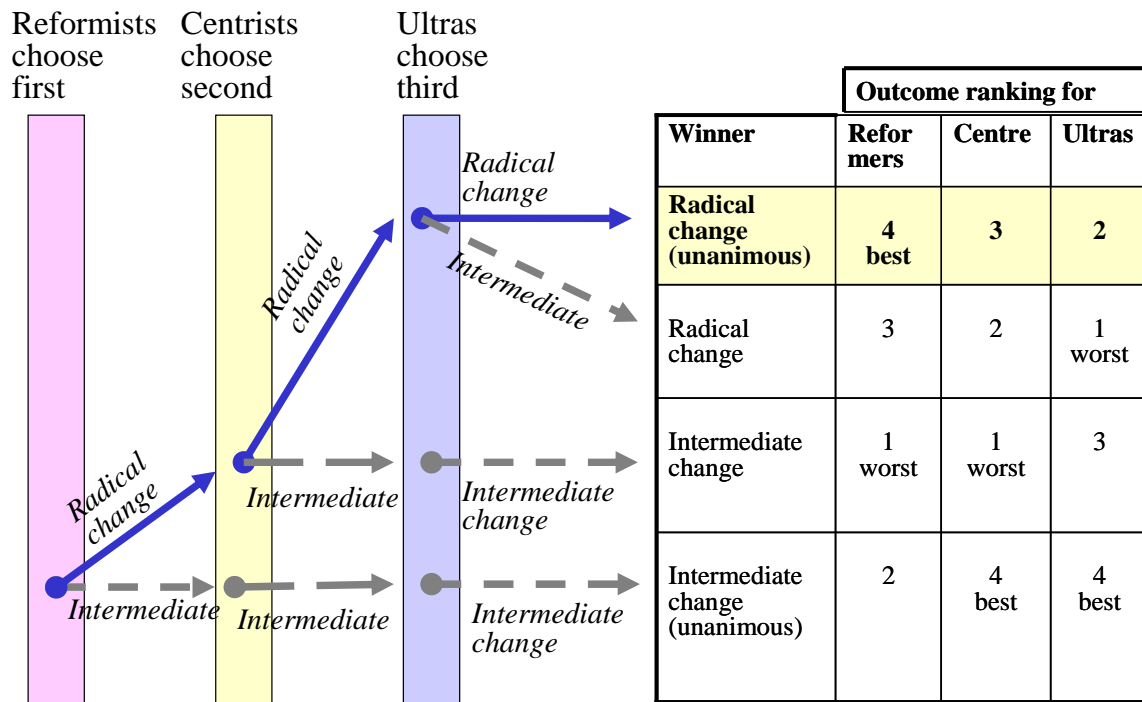
the Callaghan government's reforms. By pushing the centre towards proportional solutions the reformers stood to gain far more, including the top prize of pan-Labour agreement to radically new voting systems.

The centre moved second. Although Blair and centrist ministers now controlled the levers of governmental as well as party power they operated under considerable constraints in designing the new institutions - imposed by the reform group's public commitment up-front, by Labour's own pre-election agreements, by the reactions of the SNP and Plaid Cymru, and by the need to avoid a re-run of the late 1970s debacles. Even in Scotland public acceptance of devolution could not be taken as assured in advance, but only so long as the SNP and Liberal Democrats backed the entire scheme. In Wales and London, winning the referenda was seen as a major hurdle. These considerations all meant that playing a 'no change'/plurality rule strategy was the centre's lowest preference on new institutions from the outset. So the centrist ministers' working alternatives came down to either finding an intermediate solution (some system different from plurality rule and perhaps 'broadly proportional' in its operations) or accepting fully proportional systems. Plurality rule for the Scottish parliament was a complete non-starter, and in Wales by analogy, and even for the new Greater London Authority.

The centre's preferences over outcomes also reflected a strong emphasis upon achieving party unity, since Labour could not afford to run the risks of internal divisions subverting its devolution plans again. Their top preference would have been an all-Labour agreement on some intermediate solution, but once the electoral reformers committed to PR the centre's second best outcome was unanimity around that. And in context this outcome was not as unlikely as it might seem from the pre-election round. Once the centre committed to the same strategy as either the electoral reformers or the ultras, the party line was effectively set. And because the Prime Minister largely controlled the promotion of backbenchers to become ministers, and the rise of ministers up the ranks, there were strong individual incentives against becoming a public dissenter from agreed government policy.

The ultras chose last on new institutions and consequently faced severe problems in picking a strategy. Much as they might have liked to reaffirm a no change

**Figure 2: The new institutions, post-election game**

| Reformists choose first | Centrists choose second | Ultras choose third |
| --- | --- | --- |

| Outcome ranking for | | | |
| --- | --- | --- | --- |
| **Winner** | **Reformers** | **Centre** | **Ultras** |
| **Radical change (unanimous)** | **4 best** | **3** | **2** |
| Radical change | 3 | 2 | 1 worst |
| Intermediate change | 1 worst | 1 worst | 3 |
| Intermediate change (unanimous) | 2 | 4 best | 4 best |

strategy and demand plurality rule for the new bodies, they in fact did so only briefly and then not publicly- in the form of the abortive Prescott/Irvine effort in Cabinet committee to secure plurality rule for the mayoral election in London, discussed above (on page xxx). The ultras also dragged their feet on accepting the Additional Member System for the Assembly in Wales until early 1997. But the logic of selling an Assembly to a sceptical Welsh public persuaded them to sit quietly behind the reform eventually chosen. After the 1997 landslide the ultras were greatly strengthened in the Westminster arena. But they had no viable alternative of their own to put forward on the institutional design of the devolved bodies. With their top strategy of 'no change' ruled out by external political feasibilities, they faced a choice between advocating either dreaming up an intermediate solution, or accepting radical reform strategies. The former was too difficult, so the ultras in the end just sat quiet.

Figure 2 shows that had the electoral reformers played intermediate strategies for new institutions then it is likely that both the centre and the ultras would only have played the same also. Even had the centre alone advocated intermediate solutions then the ultras also have done so. But in the event, the centre backed the electoral

reformers' well-developed PR choice for the new bodies. So the ultras recognized that with no other support externally (except from the weakened Tories, almost non-existent in Scotland) this meant that proportional systems were inevitable in the new bodies. The ultras' only choice therefore was to accept a PR solution without conflict or to contest a *fait accompli*. They opted to keep their ammunition dry for the bigger contest ahead, and accepted proportional systems with barely audible murmurings of personal dissent.

*Stage 3: Post-election - insulating established bodies from change (1998-2001).* Labour's radicalism on new bodies found no echoes in the reform of elections for Westminster itself. The decision here had been postponed from Stage 1, principally by the Labour centre's top preference for some kind of intermediate solution. Two problems protracted the start of the third phase after Labour's 1997 landslide win – finding a single voting scheme that could be the alternative to be pitted against plurality rule; and deciding how (if at all) a referendum on the voting system was to be slotted into the government's timetable, as the Labour manifesto had promised. Blair initially bought some time by setting up a small commission under Lord Jenkins to resolve the first issue. As its deliberations unfolded the PM's office also sought to heavily influence the Jenkins report. Jenkins' first solution embraced a proportional AMS system for the House of Commons and was secretly put to 10 Downing Street in spring 1998 - only to be rejected and sent back by the PM. Instead the Commission was pointed hard towards an intermediate solution that would minimize the disruption of redistricting sitting MPs' constituencies implied by full-scale electoral reform. The idea was to introduce the bare minimum of top-up seats needed for 'broadly proportional' elections. The Cabinet Office also paid consultants on behalf of the Jenkins Commission to analyse how a very small proportion of top-up seats at regional level could be used to delivery 'broadly proportional' election results.[39] The Commission reported formally in autumn 1999 recommending a rather complex modified AMS system, using the Alternative Vote in local constituencies to enhance candidate choice there, and with a very small proportion of top-up seats at regional level, comprising less than a fifth of the total. This hybrid system was called 'AV+' by the Commission; it was complex and hard to explain to the press or on television.[40]

The Labour centre had meanwhile also cooled greatly on the idea of holding any referendum at all on the voting system, believing that it would disrupt the run-up
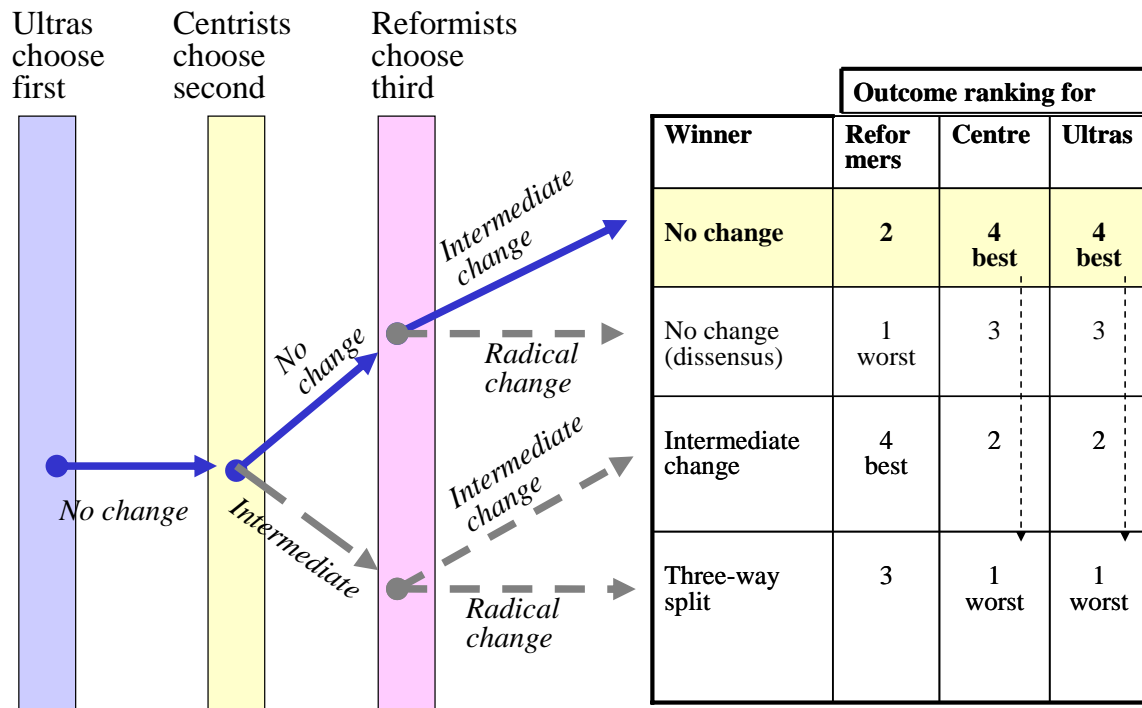
to the next general election and attract little turnout.[41] With the Tory opposition in disarray and the government maintaining a comfortable opinion poll lead through its mid-term (when government fortunes usually slump) most Labour ministers' eyes were now set on securing a second term under plurality rule. Changing the system in a way that would make a second Labour overall majority very unlikely to happen was no longer a concern for Labour centrists – indeed for any but the most principled electoral reformers in Labour's ranks.

Responding to this change the ultras launched a pre-emptive strike against Jenkins's publication at the 1998 Labour conference, seeking a conference resolution backed by the big trade unions to commit the party to maintain plurality rule elections. This move to shut off the PM's options before Jenkins even reported spectacularly reiterated the ultras' complete opposition to any reform of the Westminster voting system. It also demonstrated how far Labour's landslide win had restored the legitimacy of plurality rule for many MPs and trade unions. Blair fought off this attempt to pre-empt further discussion, and even a year later at the 1999 conference he toured the TV studios appealing for continued debate and buying more time before coming off the fence.

But essentially the Labour centre and the electoral reformers had to make a quick simultaneous choice in late autumn 1998 once the Jenkins report was finally published, shown in the extensive form in Figure 3. The centre could move earlier, because Downing Street had advance copies of the report. Responding to the substantial danger of party disunity which the ultras' vigorous mobilization posed, and in the light of the centre's own weak or vanishing interest in eroding the basis of Labour's current governmental power, the centre switched preferences. Now they made 'no change' their top strategy, followed by an intermediate strategy and with radical reform a worst option. Jenkins had tried to make his compromise solution look like an intermediate reform, but the many novelties and hard-to-explain features of AV+ were off-putting and the centrists had anyway changed their minds.

The electoral reform group now had little choice about accepting that Jenkins' clearly intermediate proposal was the best they could realistically achieve, and the only system around which they could hope to rally. In theory they could have stuck to advocating a radical change (a fully proportional system), but without having any agreed scheme in view amongst many possible alternatives their chances were slim

**Figure 3: The post-election, Westminster reform game**



| | | | | Outcome ranking for | | |
| --- | --- | --- | --- | --- | --- | --- |
| Winner | Reformers | Centre | Ultras |
| **No change** | **2** | **4 best** | **4 best** |
| No change (dissensus) | 1 worst | 3 | 3 |
| Intermediate change | 4 best | 2 | 2 |
| Three-way split | 3 | 1 worst | 1 worst |

The diagram shows: Ultras choose first (No change); Centrists choose second (No change or Intermediate); Reformists choose third (Intermediate change or Radical change). The highlighted path (blue) is Ultras "No change" → Centrists "No change" → Reformists "Intermediate change".

indeed. Although their preference ordering remained full PR first, then intermediate reform and with 'no change' as their worst outcome, all the main reform group organizations and Labour MPs recognized that they stood no chance of realizing PR in isolation, since the centre would never accept radical re-districting for the Commons. (Indeed the centre's shift in preferences meant that they plus the ultras constituted a clear internal majority for adhering to the status quo, which only Blair's lingering manoeuvres disguised). So their ranking too also changed, to put intermediate reform as proposed by Jenkins top.

Analytically it may seem a controversial move to begin positing shifts in preferences by actors in this way to explain varying outcomes. But seen in context, the Labour reformers' shift was a one-off, largely tactical move: it did not qualify their underlying preference for more extensive reforms, but merely updated their previous estimations of longer-run feasibilities. As for the Labour centre their shift in the stage 3 game was undeniably a fundamental one. Yet it could be plausibly argued that at a meta-level (taking phases 2 and 3 together) Labour in the end implemented

an intermediate outcome, by conceding full PR for new institutions but then not changing the established ones for Westminster and for local council elections.[42] This composite result inaugurated 'co-existence' between plurality rule and the new electoral systems, which arguably by no means removes PR from the UK agenda in the future. [43]

## CONCLUSIONS

Political life is an inherently multi-causal environment, and so the pathways to influence within it are always manifold and diffuse – that is what Dahl's conception of polyarchy ('rule by the many') entails.[44] The Westminster model view is system-biased to an exaggerated degree, constructing a narrative of power that takes little account of events outside two-party elite circles. It also ascribes changes to dispositional factors, where unattached observers would detect a situational logic at work. Anthony King's account of the irrelevancy of constitutional holists imposes some unspecified test of efficacy that takes little account of multiple causation and leaves stunningly unexplained why so much 'democracy rampant' happened at all. To fill that and other gaps King has no option but to conjure up imagined motivations for Blair and the Labour government (taken holistically and in the abstract). He spins a narrative that might seem plausible were it not so chronically un-evidenced and so inaccessible to those without his privileged access to the psychological workings of Blair and the collective government. I hope to have shown that it is a story without conviction, a mere re-description of gross known events that jars with the progress of reform when analysed in more detail. Any remotely plausible account must have some prime facts right, but King's story on electoral reform has nothing but this macro-skeleton. It is wrong in interpretative balance, awry on details and has no grip on the complexities and difficulties of reform. It is most critically wrong in neglecting any specific analysis of the electoral reform movement or the means by which it achieved influence.

Turning to the critical balance of opinion within the Labour party, I have sketched three specific games in detail, covering the pre-election period, the new institutions game, and the post-election Westminster game. The same three factions were involved in all three, with substantially the same preference orderings throughout – although one faction made a significant shift and one a minor, tactical

adjustment in the last game. Yet three radically different outcomes resulted, and in interpreting and accounting for those outcomes I hope to have shown that it is useful to consider systematically the sequence in which actors moved, the complete preference rankings of the players over outcomes, and the constraints in different institutional settings. By doing so, we gain a more convincing and granular account of the roots of Labour's apparent inconsistencies, here as in the other democratic transitions analysed by Colomer.[45]

The story of electoral reform in Britain is still being written. It is largely driven by long-run autonomous changes that have helped create a multi-party system nationwide, but now given an additional impetus by voters' experience of 'co-existence' between plurality rule and proportional voting systems.[46] This is a third key reason why King's dismissive verdict about Charter 88 and the wider constitutional reform movement is wrong. The impetus for electoral system change is still strong, in the increasingly cross-party push for a reformed second chamber or Senate to replace the House of Lords; in the enlargement of Scottish, Welsh and London devolution; in the successful implementation of STV in local government in Scotland; in the testing of Scottish national identity to come; and in the continued erosion of the public legitimacy of unreformed English local government. Had the 'new institutions' game not been won so convincingly by the reformers, the templates and bases for the next push would not have been there. But now they are. For such a small group, armed with so few weapons in their armoury beyond principled argument, good evidence and a detailed capability to make reform work, the electoral reform movement enjoyed enormous influence in the period 1997-2001 and may yet do so again soon.

NOTES

1   D. Richards and M. J. Smith, 'Interpreting the World of Political Elites', *Public Administration* (2004), vol. 82, no. 4, pp. 777-800; D. Judge, 'Whatever happened to parliamentary democracy in the United Kingdom?', *Parliamentary Affairs* (2004), vol. 57, no.3, pp. 682-701.

2   Brian Harrison, *TheTransformation of British Politics, 1860 -1995* (Oxford: Oxford University Press, 1996), p. 206.

3   P. Dunleavy, 'Facing up to multi-party politics: How partisan dealignment and PR voting have fundamentally changed Britain's party system', *Parliamentary Affairs* (2005) 58(3): 503- 532; Philip Lynch, 'Party System Change in Britain: Multi-Party Politics in a Multi-Level Polity' *British Politics*, Volume 2, Number 3, November 2007 , pp. 323-346.

4  D. Richards and M.J. Smith 'New Labour, the Constitution and Reforming the State', in S. Ludlam and M.J. Smith (eds) *New Labour in Government* (Basingstoke: Palgrave, 2001), pp. 145-66, p. 146. See also: D. Richards and M. J. Smith, 'Interpreting the World of Political Elites', *Public Administration* (2004), vol. 82, no. 4, pp. 777-800.

5   For example, a vintage 'defence' is: Jack Straw, 'There are no shortcuts to democracy: Our people want strong majority government, not the mush of PR', *Guardian*, 12 May 2005.

6. P. Dunleavy, 'The Westminster model and the distinctiveness of British politics', in P. Dunleavy, C. Hay, R. Heffernan and P. Cowley (eds) *Developments in British Politics 8*, (Basingstoke: Palgrave, 2006), pp. 315-38.

7 John Morrison *Reforming Britain: New Labour, New Constitution?* (London: Reuters, 2001). Peter Dorey, 'Between Ambivalence and Antipathy: The Labour Party and Electoral Reform'. *Representation* (2003) vol. 40, no. 1, pp. 15-28.

8 Legalistic treatments include John Morrison, 'Models of Democracy: From representation to participation', in J. Jowell and D. Oliver (eds) *The Changing Constitution* (Oxford: Oxford University Press, 2004), especially pp. 139-40; D. Oliver, *Constitutional Reform in the UK* (Oxford: Oxford University Press, 2003) Ch. 7; M Flinders, 'Majoritarian Democracy in Britain: New Labour and the Constitution',  *West European Politics*, (2005) vol. 28, No.1, pp. 61 – 93; T. Saalfeld, 'The United Kingdom: Still a Single "Chain of Command"? The Hollowing Out of the "Westminster Model"', in Kaare Strom, Wolfgang C. Muller and Torbjorn Bergman (eds),  *Delegation and Accountability in Parliamentary Democracies* (Oxford: Oxford University Press, 2006), pp. 620-49; and an early essay by P. Norton, 'Does Britain need PR?', in R. Blackburn (ed.) *Constitutional Studies: Contemporary Issues and Controversies* (London: Mansell, 1992).

More voting-orientated accounts, giving less attention to the reform dynamic itself, include P. Norris 'The Twilight of Westminster? Electoral Reform and its Consequences', *Political Studies* (2001) 49 (5): 877 – 900; J. Curtice, 'Changing Voting Systems', in P. Dunleavy, A. Gamble, R. Heffernan and G. Peele (eds) *Developments in British Politics 7* (Palgrave, 2003), pp. 100-18; D. Farrell, 'The United Kingdom Comes of Age: The British Electoral Reform "Revolution" of the 1990s', in M.S. Shugart and M.P. Wattenberg, *Mixed-Member Electoral Systems* (Oxford: Oxford University Press, 2001), pp. 521-41.

9  Anthony King, *The British Constitution* (Oxford: Oxford University Press, 2007).

10  King, *The British Constitution*, p. 86.

11  King, *The British Constitution*, pp. 80-6.

12   King, *The British Constitution*, p. 345.

13  King, *The British Constitution*, pp. 209-10.

14  P. Dunleavy and H. Margetts, 'From Majoritarian to Pluralist Democracy?' *Journal of Theoretical Politics*, (2001) 13 (3), pp. 295 – 319;

15  See T. Smith, 'Post modern politics and the case for constitutional reform', *Political Quarterly,* vol. 65, no 2, pp. 128 – 137; P. Dunleavy, H. Margetts, T. Smith and S. Weir, *Voices of the People* (London: Politicos, 2000).

16  See, for instance, Michael Meadowcroft, *The Politics of Electoral Reform* (London: Electoral Reform Society, 1991).

17  King's lack of attention paid to Cook is mirrored by a failure to describe the views of any other Cabinet member supportive of electoral reform, such as Peter Hain (who favoured the Alternative Vote system for Westminster for most of this period) or other ministers (such as Jeff Rooker, a former chair of the Labour Campaign for Electoral Reform) or Nick Raynsford, key in shaping the London election systems (see below). No specific Labour MPs supportive of reform are ever mentioned either.

18  King, *The British Constitution*, pp. 261.

19  See Andrew McDonald, *Reinventing Britain: Constitutional Change Under New Labour* (Los Angeles: University of California Press, 20070, p. 48. See also Robin Cook and Robert Maclennan, *Looking Back, Looking Forward: The Cook-Maclennan Agreement Eight Years On* (London: New Politics Network, 2005); Morrison *Reforming Britain*, pp. 50-2.

20   Stephen Ingle, *The British Party System: An Introduction* (London: Routledge, 2008) Edition 4, p. 136.

21  P. Dunleavy H. Margetts, B. O'Duffy and S. Weir, *Making Votes Count: Replaying the 1990s General Elections Under Alternative Electoral Systems* (London: Democratic Audit of the UK, 1997).

22  King, *The British Constitution*, pp. 266-7.

23  Patrick Dunleavy and Helen Margetts, *Report to the Government Office for London: Electing the London Mayor and the London Assembly*, Government Office for London, 1998.

24  Lord Irvine of Lairg, *The Government's Programme of Constitutional Reform* (lecture to the Constitution Unit, University College London, 8 December 1998).

25  Dunleavy and Margetts, *Report to the Government Office for London: Electing the London Mayor and the London Assembly*.

26  *Hansard* (15 December 1997, Column 39); Hansard (1999), Greater London Authority Bill, Committee stage, 28 January 1998, at http://www.publications.parliament.uk/pa/cm199899/cmstand/a/st990128/pm/90128s05.htm; Hansard, *The Order Book*, Written questions, 10 February 1998 at http://www.publications.parliament.uk/pa/cm199798/cmordbk1/80210w01.htm; House of Commons Library (1998b), *The Greater London Authority Bill: Electoral and Constitutional Aspects* (London: House of Commons Library, 11 December), Research Paper no 98/118, especially pages 10-13, 18. Available at: http://www.parliament.uk/commons/lib/research/rp98/rp98-080.pdf;  House of Commons Library (1999), *Local Elections: Proposals for Reform* (London: House of Commons Library, 28 April), Research Paper no 99/46, pp. 31-3, available at: http://www.parliament.uk/commons/lib/research/rp99/rp99-046.pdf; House of Commons Library, (1998a) *Voting Systems: The Government's Proposals* (London: House of Commons Library, 31 July), Research Paper no 98/80, pp. 41-4, available at: http://www.parliament.uk/commons/lib/research/rp98/rp98-080.pdf. In official sources there is a brief but historically and technically sound account in Ministry of Justice, *The Governance of Britain – Review of Voting Systems: The Experience of New Voting Systems in the UK since 1997* (London: The Stationary Office 2008), Cm 7304, pp. 74-77, available at http://www.official-documents.gov.uk/document/cm73/7304/7304.pdf.

27   Some of the theory background to these now well-understood features of 'bureaucratic politics' can be explored in G. Allison and P. Zelikow, *The Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Macmillan, 1999)  and P. Dunleavy, 'Reinterpreting the Westland Affair: Core executive activity and the theory of the state', *Public Administration*, (1990), vol. 68, no.1, pp. 29-60, reprinted in revised form in R.A.W. Rhodes) *Prime Minister, Cabinet and Core Executive* (London: Macmillan, 1995), pp. 181-218.

28   Peter Riddell, 'Preferential votes give Tories cause to consider poll reform', *The Times*, 28 March 2008.

29   George Parker and Jean Eaglesham, 'Tories plan to cut Commons by 60 MPs' *Financial Times*, 12 January 2009.

30  Richard Kelly, 'It's only made things worse: A critique of electoral reform in Britain', *Political Quarterly*, (2008), vol. 779, no.2, pp. 260-8.

31  My account in the rest of this section draws on some direct involvement and discussions in several sources including: Martin Linton and Mary Georghiou, *Labour's Road to Electoral Reform: what's wrong with first-past-the-post?* (London: Labour Campaign for Electoral Reform, 1993); Peter Dorey, 'Between Ambivalence and Antipathy: The Labour Party and Electoral Reform', *Representation* (2003) 40, no. 1:15-28; D. Beetham, I. Byrne, P. Ngan and S. Weir *Democracy under Blair: A Democratic Audit of the United Kingdom* (London: Politico's, 2002), Ch. 5 'Free and Fair Elections'; A. Blau, 'Fairness and electoral reform', *British Journal of Politics and International Relations*, (2004) vol. 6, pp. 165 – 81; A. Blau 'Majoritarianism under Pressure: The Electoral and Party Systems' in Robert Hazell (ed), *Constitutional Futures Revisited: Britain's Constitution to 2020* (Palgrave, 2008); Peter Facey, Bethan Rigby, Alexandra Runswick (eds), *Unlocking Democracy: 20 Years of Charter 88* (London: Politicos, 2008).

32  In fact, AV and SV on their own would do little or nothing to enhance proportionality at Westminster elections - indeed in 1997 conditions they would have made the outcome much worse: see Dunleavy et al, *Making Votes Count*.  But note that this is only true if the electoral task is choosing an assembly. Because there is no proportional way of choosing a single office-holder, using SV (or AV, although it has not been so used) would count in this context alone as full election reform proposals.

33   My approach here is strongly influenced by Josep Colomer's work especially *Strategic Transitions: Game Theory and Democratization* (Baltimore: John Hopkins University Press, 2000) and *Game Theory and the Transition to Democracy: The Spanish Model* (Southampton: Edward Elgar, 1995).

34   See Martin Linton and Mary Southcott, *Making Votes Count: The Case for Electoral Reform* (London: Profile Books, 1998).

35  Patrick Dunleavy, 'Elections and party politics', in P. Dunleavy, A. Gamble, I. Holliday and G. Peele) *Developments in British Politics 6* (Basingstoke: Macmillan, 2000). pp. 127-50.

36   Paddy Ashdown, *The Ashdown Diaries* (Harmondsworth: Penguin, 2002).

37  The Northern Ireland elections worked on a completely different dynamic, responding to the province's sectarian politics. However, they were equally radical - with a constitutional assembly assigning seats as of right to any party gaining 2 per cent of votes, and with a fully proportional STV system used to elect the first Assembly. The power-sharing, joint executive of all four main parties was also constituted by using a d'Hondt rule to set the order in which parties could take up ministerial posts, with the first minister going to the largest party, the equally important second minister to the party now the largest, and so on.

38   Dunleavy, 'Elections and party politics'; P. Dunleavy, H. Margetts and S. Weir, *Devolution Votes: PR Elections in Scotland and Wales* (London: Democratic Audit of the UK, 1997).

39   Again the consultants here were Helen Margetts and myself and our report was subsequently substantially published in P. Dunleavy and H. Margetts) 'Mixed electoral systems and the Jenkins Commission on voting reform in Britain', *British Journal of Politics and International Relations* (1999), vol.1, no.1, pp. 12-38; and Patrick Dunleavy, Helen Margetts and Stuart Weir) *The Politico's Guide to Electoral Reform in Britain* (London: Politico's Publishing, 1998). It should be stressed though that the Commission never met with the consultants and did not follow many of our suggestions. In particular, in their own deliberations the Commission rejected our suggestion of using the much simpler SV system in local constituency contests and opted for AV; and they pared down the number of top-up seats well below the levels we recommended as minimum levels for achieving proportional results.

40  See Dunleavy et al, *Politico's Guide to Electoral Reform in Britain*.

41   During our work for the Jenkins Commission Helen Margetts and I met with Pat McFadden and another staffer in 10 Downing Street, and much of the discussion focused on the difficulties of slotting any referendum into the available timings.

42   On local government voting in England, see House of Commons Library (1999), *Local Elections: Proposals for Reform* (London: House of Commons Library, 28 April 1999), Research Paper no 99/46. Available at: http://www.parliament.uk/commons/lib/research/rp99/rp99-046.pdf. The reform lobby as a whole did not have clear proposals for councils, but see Patrick Dunleavy and Helen Margetts, *Proportional Representation for Local Government: An Analysis* (York: Joseph Rowntree Foundation, 1999). It could be argued that the introduction of local government 'cabinet' systems (without elected mayors), promoted by John Prescott and Labour 'ultras', even extended more of a 'Westminster model' approach to local councils than had ever before applied.

43   Dunleavy and Margetts, 'From Majoritarian to Pluralist Democracy?'

44    Robert A. Dahl, *Polyarchy* (New Haven, CT: Yale University Press, 1971).

45    Colomer, *Strategic Transitions.*

46    Dunleavy, 'Facing up to multi-party politics