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Avoiding "Elective Dictatorship" in the United Kingdom: Debate on Constitutional and Electoral Reform Through Proportional Representation

By John A. Zecca*

We are moving more and more in the direction of an elective dictatorship... because the opposed parties, becoming more and more polarized in their attitudes,... in the presence of narrow majorities,... believe that the prerogatives and rights conferred by electoral victory... compel [them] to impose on the hapless but unorganized majority irreversible changes for which it [the majority] never consciously voted.

-Lord Hailsham, former Lord Chancellor of the Judicial House of Lords, Britain's highest court

A rarity among nations, the United Kingdom (UK) has no formal written constitution to provide an ultimate guide to questions of government. Rather than a formal document, the British have developed an "unwritten constitution" that is little more than an amorphous concept referring collectively to the laws, understandings, and traditions that have helped create and expand the government over centuries. Instead of the government relying on a constitution, the UK possesses a constitution that relies on the government since there is no document either describing the structure of the state or enumerating its powers. As a

* B.S., Cornell University, 1988. The author wishes to thank the research staff of the University of London’s Institute for Advanced Legal Studies for access to their invaluable resources.
2. Webster's Dictionary defines "constitution" as "the system of fundamental principles according to which a nation... is governed." Webster's Unabridged Dictionary (1983). Technically, since a constitution need not be a single document, the UK's Constitution qualifies as such by definition, although there has never been an attempt to codify this "unwritten constitution." R.M. Punnett, British Government & Politics 176 (5th ed. 1987). See also James Cornford, On Writing a Constitution, 44 Parliamentary Affairs 558, 558-59 (1991). The UK's Constitution will be further examined infra part I.A.
3. Punnett, supra note 2, at 178.
result of this power vacuum, Parliament, the national legislature, has become the supreme constitutional body and is technically able to alter or even abolish the very foundations of government.  

The unwritten constitution also fails to enumerate the rights of British citizens, including the form of political representation to which they are entitled. In the absence of a document specifying which rights are inalienable, such questions are left to the politicians. The absence of a written constitution creates an extreme case of conflict of interest by granting the beneficiaries of the electoral system sole power over the system's creation. The 651 members of the UK's "lower" house, the House of Commons, have ultimate control over the electoral system which reelected them.

Parliament is divided into two houses: the House of Lords, whose nonelected members are called peers; and the House of Commons, whose members, referred to as Members of Parliament or MPs, are individually elected by voters in constituencies throughout Great Britain and Northern Ireland. Today, most political power rests with the House of Commons.

The unwritten constitution is understood to require regular national elections, currently conducted using the "first past the post" electoral system. This system awards the seat in Parliament to whomever receives the most votes (the first past the post) in each constituency, even though the winning candidate often garners less than fifty percent of the

4. HAILSHAM, supra note 1, at 125-26.
5. PUNNETT, supra note 2, at 178.
6. Some critics, like Punnett, argue that this precludes controversial political debates on what rights are "inalienable" and promotes legal flexibility. Id.
7. See H. W. R. WADE, CONSTITUTIONAL FUNDAMENTALS 1-8 (1980), for a discussion of the general lack of interest in equality of representation in the UK and the absence of a constitutional court like the U.S. Supreme Court, able to maintain the value of the vote.
9. Curtis, supra note 8, at 97. Members of the House of Lords have the right to a seat based on heredity or life appointment by the government. The duties of the Lords are limited, and they cannot defeat legislation already passed by the House of Commons. PUNNETT, supra note 2, at 296-305.
10. Curtis, supra note 8, at 43. The country is divided into single member constituencies so that each MP represents an individual constituency. Id. This system is much like that used in the United States for members of the House of Representatives.
11. Because the House of Commons holds the majority of power in Parliament, hereinafter "Parliament" refers to the House of Commons.
total vote.\textsuperscript{13} When the vote tallies are aggregated it is likely that the party holding a majority of seats did not win a majority of the votes cast nationally.\textsuperscript{14} Such was the case in the election of April 9, 1992, when the ruling Conservative party returned for a fourth consecutive term with 42.8\% of the vote.\textsuperscript{15} Indeed, since World War II no government in the UK has received the support of a majority of the electorate.\textsuperscript{16}

Great Britain is the only country in the European Community using a pure "first past the post" system for all elections.\textsuperscript{17} Attempts to unify the voting procedure for the European Parliament are forcing Britons to reevaluate both the fairness and the future of their present system.\textsuperscript{18} Spearheading the drive for constitutional reform are third parties like the Liberal Democrats who are disfavored under the current voting system.\textsuperscript{19} The two main parties, the Conservatives and Labor, have traditionally opposed electoral change for fear it would lead to coalitions and end single-party governing.\textsuperscript{20} Since any changes to the British constitution depend on the political will of Parliament, the larger parties have protected

\begin{itemize}
\item \textsuperscript{13} O. Hood Phillips, Constitutional and Administrative Law 198 (7th ed. 1987).
\item \textsuperscript{14} Philip Williams & Iain McLean, Why Electoral Reform? 3 (1981).
\item \textsuperscript{15} Election Results: How Labor Lost, Economist, Apr. 18, 1992, at 62.
\item \textsuperscript{16} Rodney Brazier, Constitutional Reform 46 (1991).
\item \textsuperscript{17} For a chart listing national electoral systems in western Europe, see Economist, Nov. 23, 1991, at 60 (Schools Brief).
\item \textsuperscript{19} See John Curtice & Michael Steed, Proportionality & Exaggeration in the British Electoral System, 5 Electoral Studies 209, 221 (1986). For example, in the 1983 elections, when this phenomenon was most pronounced, the Liberal/SDP Alliance received only 25\% fewer votes nationwide than Labor but received 29\% fewer seats: 209 for Labor, twenty-three for Liberal/SDP Alliance. In 1992, the Liberal Democrats, no longer in alliance with the SDP, received twenty seats. A pure proportional representation system [hereinafter PR] would have netted the Liberal Democrats nearly one hundred seats. Business International Country Monitor—United Kingdom, 1992 Bus. Int'l Country Rep., Aug. 10, 1992.
\end{itemize}
the status quo and allowed only limited electoral reform in this century.\textsuperscript{21}

The alternative to the "first past the post" system is a system based on proportional representation (PR), as used by other European countries.\textsuperscript{22} Systems that are genuinely proportional on a national level can be loosely grouped into two categories.\textsuperscript{23} The first category, the List System, allows the political parties to draw up lists of candidates. Voters in the general election then choose between the different parties by choosing the list of candidates they prefer.\textsuperscript{24} Under the second category, known as preferential voting, the voter prioritizes the candidates, not only from different parties but intra-party as well.\textsuperscript{25} The most common form of preferential voting is the Single Transferable Vote (STV) which achieves proportionality by electing as many as five people from a single, but much larger, constituency than presently used in the UK. Since more than one candidate is elected from the constituency, seats can be allocated in proportion to votes received.\textsuperscript{26} In addition, the two categories employ divergent standards of fairness.\textsuperscript{27}

The Liberal Democrats and most other electoral reformers favor some form of PR to ensure that parliamentary numbers more accurately reflect voting percentages.\textsuperscript{28} In the wake of its 1992 defeat, the Labor Party is currently split on whether to endorse PR as a way to dislodge the Conservatives or to continue advocating the current system in hopes of a future victory.\textsuperscript{29} The Conservative Party continues to oppose PR,

\textsuperscript{21} The Speaker's Conference, an ad hoc committee of MPs that deals with constitutional reform, has met only five times in this century. WADE, supra note 7, at 2, 4. Some reform is possible without a conference. See infra text accompanying notes 90-100.

\textsuperscript{22} Oliver, supra note 12, at 112-13.

\textsuperscript{23} For a brief summary of the two systems, see H. F. RAWLINGS, LAW AND THE ELECTORAL PROCESS 233-35 (1988); for a more thorough examination, see ANDREW REEVE & ALAN WARE, ELECTORAL SYSTEMS 1-14, 114-161 (1992).

\textsuperscript{24} Oliver, supra note 12, at 113.

\textsuperscript{25} Id.

\textsuperscript{26} Id. at 119-20.

\textsuperscript{27} See Raymond Plant, Criteria for Electoral Systems: The Labor Party and Electoral Reform, 44 PARLIAMENTARY AFFAIRS 549, 554 (1991) (the List System represents fairness to political parties, while the Single Transferable Vote—a form of preferential voting—looks to the fairness of representing the plurality). Both systems can be fair depending on whether Parliament should be a microcosm of society (STV) or whether there should be competition between the parties as agents of the electorate (List). Id. at 552. Lord Plant serves as chairman of a Labor Party commission currently studying the electoral system. This commission will release its recommendations on which system the party should support sometime in 1993. Seumas Milne, TGWU Leader Throws Weight Behind Party 'Modernisers,' GUARDIAN, Jan. 9, 1993, at 7.


\textsuperscript{29} The Labor Party at Blackpool: Divisions Resurface on Electoral Reform, supra note
arguing that PR requires complex mathematical formulas and that it would alter the Anglo tradition of single members beholden to a specific geographical area.  

This Note examines how the British system fails to adequately represent the voters and has led to the regionalization of the two major parties. Part I explores Britain's unwritten constitution and the legal ramifications of electoral reform as part of a larger attempt at political change, including the institution of a written constitution. Part II of the Note discusses the current electoral system in the UK. Part III looks at the various justifications used in favor of the current system and weighs these justifications in light of recent elections. Part IV examines the various systems of proportional representation, citing other European countries as examples. Finally, in Part V, this Note addresses the question of which system is most likely to be adopted given the current political reality in Great Britain.

I. THE UNWRITTEN CONSTITUTION AND ITS THEORIES

A. In Search of the Constitution

The origins of the British Constitution date from the Norman conquest of England in the eleventh century. In the many centuries since, there has never been an attempt to codify its principles. Instead, elements of the Constitution are found in three sources: acts of Parliament through the ages; the common law; and the so-called "conventions of

20, at 17. See also Ivo Dawney, Moment of Truth for Kinnock, FIN. TIMES, Sept. 28, 1991, at 6 (electoral reform proponents are now Labor's largest pressure group); PROPORTIONAL REPRESENTATION, supra note 20, at 214-16 (detailing the split growing within Labor to begin supporting PR).

30. PROPORTIONAL REPRESENTATION, supra note 20, at 210, 213, 220 (arguing that MPs would have less incentive to pursue local matters in the larger multi-member constituencies that PR would create). See also THE ELECTORAL REFORM SOCIETY OF GREAT BRITAIN AND NORTHERN IRELAND, THE BEST SYSTEM 27 (1984) (arguing that an educated electorate can understand the methodology of the various PR systems) [hereinafter THE BEST SYSTEM].


32. The strong local organization that predated the conquest aided King William in preventing the breakup of his new kingdom since much of this was adopted, not replaced, by the invaders. W. ANSON, THE LAW AND CUSTOM OF THE CONSTITUTION 25-26 (1911).

33. PUNNETT, supra note 2, at 176.

34. These sources are not complete, and the many questions left open prompted Alexis de Tocqueville to declare that the English Constitution does not exist. ANSON, supra note 32, at 7.
the constitution," or rules of political behavior that, although not law, are strictly followed.35

Portions of the Constitution, including the Magna Carta,36 acts of Parliament such as the Bill of Rights of 1688-1689,37 and the Representation of the Peoples Act of 183238 are written. These acts of Parliament are, however, merely legislation and can presumably be altered or repealed by another piece of legislation obtaining a simple majority vote.39 Parliament is the sovereign constitutional body and is not bound by the acts of preceding parliaments or by court decisions.40 As a result, any aspect of the Constitution, from abolition of the nonelected House of Lords to changing the size and length of Parliament, is within the purview of the House of Commons.41 This power includes altering the electoral system for political gain.42

The British system does not provide checks and balances on the executive. Instead, it centralizes power in the Parliament, making constitutional study in Britain essentially an examination of politics.43 The implied limits of the "conventions of the constitution" are the only acknowledged limits on Parliament's powers.44 The conventions are the norms, practices, and constitutional standards of the day, addressing issues such as the impartiality of the Speaker of the House of Commons and the individual responsibility of ministers.45 Since these conventions

35. Curtis, supra note 8, at 63.
36. The Magna Carta is still listed in some constitutional texts as a statute, and among its provisions is the first formal provision for summoning an assembly that included bishops, earls, greater barons, and the tenants-in-chief (commons) to approve taxes. Anson, supra note 32, at 47-48.
37. The Bill of Rights places limits on the royal prerogative and is considered the beginning of the modern Constitution. It was mainly designed to strengthen the state at the expense of the crown and is not a statement of personal rights as found in the U.S. Constitution. Id. at 37-38.
38. This Act extended suffrage to the middle class and ended the archaic system of "rotten boroughs," which were constituencies that, although having lost their populations over time, still sent MPs to Parliament. See Charles Seymour, Electoral Reform in England and Wales 8 (1915).
39. Punnett, supra note 2, at 178.
40. Curtis, supra note 8, at 64.
41. Punnett, supra note 2, at 178.
42. In 1930 a minority Labor government formed a coalition with the Liberals to promote voting reform. The Best System, supra note 30, at 17. However, the coalition collapsed before the reform legislation passed. Id. Many commentators expected a similar deal had the 1992 election resulted in a hung parliament. See, e.g., Alison Smith, Liberal Democrats at Bournemouth, Fin. Times, Sept. 9, 1991, at 4.
43. Punnett, supra note 2, at 179.
44. These conventions form the bulk of constitutional practice. Id. at 177.
45. Id.
are not based on statutes, they can change with each era. There is no specific source for these conventions and no guide for their future development.

Defenders of the British constitutional system point to its flexibility in dealing with social changes. Alteration is not constrained by questions of tradition or the intent of the deceased framers. Critics counter that the government's powers are effectively limitless. Some commentators would prefer codification of individual rights. Others contend that the lack of an impartial constitutional court as a final arbiter allows only a political, and not a legal, interpretation of the Constitution. Others feel a supreme court would drag the judiciary into political debates.

Another criticism of the unwritten Constitution is that its vagueness will force Britons to rely on the European law created by the European Economic Community (EEC), rather than on domestic law. Membership in the EEC requires the UK to comply with the Treaty of Rome, which established the EEC. Unlike domestic statutes in Great Britain, the provisions of this Treaty are subject to judicial review and interpretation. In fact, when the UK joined the EEC, the British Parliament surrendered part of its sovereignty for the first time. By statute, British courts are required to adhere to EEC law and are now allowed to overrule acts of Parliament in areas involving EEC law. Super-national agreements, such as the European Convention on Human Rights, are applied by the European Court of Justice, the judicial arm of the Euro-

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46. *Id.* For example, for many years it was accepted that a prime minister could be a member of the House of Lords. Today, however, one must renounce peerage before forming a government. *Id.* at 178.
47. *Id.* at 177.
48. *Id.* at 178.
49. *Id.*
50. *Hailsham, supra* note 1, at 132.
51. See *Punnett, supra* note 2, at 178; see also *Hailsham, supra* note 1, at 133-40.
52. See *Wade, supra* note 7, at 8 (arguing that Parliament is not concerned with equality of representation and that a constitutional court equivalent to the U.S. Supreme Court would provide a fairer forum for citizens).
54. See *Cornford, supra* note 2, at 558.
55. *Id.* Rather than challenge the power of ministers directly, the courts have occasionally ruled that ministers have incorrectly interpreted their responsibilities. *Curtis, supra* note 8, at 66.
56. This surrender of sovereignty is both to British courts and to the European Court of Justice. *Curtis, supra* note 8, at 64.
57. *Hailsham, supra* note 1, at 139.
It is possible that the Treaty of Rome is, or soon will be, a stronger guarantor of individual rights than the British Constitution. Since European law and precedent is still very limited, some Britons believe a written constitution is needed to codify individual rights and freedoms and to limit reliance on informal understandings and pan-European law. Giving British courts greater ability to rule on the constitutionality of statutes, particularly as to individual rights, might help reduce the high number of complaints against the British government before the European Court of Justice.

B. The British Definition of Representation

Although many ideas for constitutional reform exist, this Note will concentrate on reform proposals affecting the electoral system, particularly the narrow field of political representation. Each social system forms its own views of what constitutes, and who determines, fair representation. In the United States, the Supreme Court is the final arbiter of representation. Although judges in the UK have recently become more assertive, they still do not have the power to define representation based on their interpretation of the unwritten constitution.

Representation in the UK remains dependent upon political realities. One such example is the British government's efforts to keep Scotland and Wales in the UK by giving these regions extra representation, a practice known as the "Celtic Preference." This is accomplished by allotting Scotland and Wales more than the share of MPs to which they are entitled based on population. Since each MP is elected from a geographical constituency, voters in the Celtic regions are divided into more

58. Id. at 137. Hailsham argues that "[E]uropean judges at Brussels are already seised [sic] of cases involving the government of the United Kingdom, and I simply do not believe that English . . . judges are constitutionally incompetent to deal with the same questions as European judges." Id. at 173.

59. Cornford, supra note 2, at 558-59. This proposal would codify the human rights of Britons, much as the Convention on Human Rights does for residents of the EEC. See Alan Boyle, Comment, Electoral Fairness and the Liberal Party, PUBLIC LAW 168 (Summer 1981).

60. The number of complaints against the British government is the highest in the Community. Cornford, supra note 2, at 558-59.

61. In Baker v. Carr, 369 U.S. 186 (1962), the Court held that Tennessee's legislative apportionment system violated the Fourteenth Amendment's guarantee of equal protection. WADE, supra note 7, at 7.

62. Curtis, supra note 8, at 66.

63. H. F. Rawlings, The Redistribution of Parliamentary Seats, PUBLIC LAW 324, 326 (Fall 1987). The "Celtic Preference" is evidence that Parliament is not concerned with equality of representation. WADE, supra note 7, at 8.

64. Rawlings, supra note 63, at 326.
Constituencies than if strict equal representation were enforced. A vote cast in sparsely populated Scotland is worth more than in England, where eighty percent of the British population lives.

To better understand why so many voters tolerate unequal representation, it is necessary to explore the theories of representation in Great Britain dating back to the Middle Ages. These theories still influence debate over representation. One theory, often called the “Tory Theory,” holds that MPs represent a community which is an organic unit. To successfully represent this community, constant communication between the MP and the constituents, as well as frequent elections, is required. From this theory evolved an attachment to geographical constituencies. Many commentators fear that PR, with its national lists of candidates or multi-member constituencies, will replace geographical affiliation and responsibility.

A second theory, the “Whig Theory,” concentrates on virtual representation. Between elections the MP is free to vote on each issue as he or she sees fit, rather than as the voters prefer. This is more of a paternalistic approach and less an example of direct democracy. Since the MP is responsible for protecting the interests of the entire constituency, there is thought to be little need for frequent elections or increased franchise. This theory of virtual representation is blamed for the unequal representation of the current system.

The final theory, the “Radical Theory,” concentrates not on interests or communities, but on representing the individual. It is from this theory that PR derives in its attempt to ensure individual representation at the cost of lessened geographical representation. Great Britain’s current electoral system does, in some ways, draw from all three theories: Tory theory views on geographical representation, “Whig Theory” de-

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65. Id.
66. Cornford, supra note 2, at 559.
67. See Rawlings, supra note 23, at 11.
68. Id. at 8-9.
69. Id. at 6.
70. As the “Tory” theory bears the popular name of the Conservative Party, so the “Whig” theory is named after the “Whig,” or Liberal Party, which developed in the early nineteenth century in opposition to the establishment. It remained one of the two main parties until eclipsed by the Labor Party in the early twentieth century. Punnett, supra note 2, at 74-75.
72. Wade, supra note 7, at 8.
73. This theory also involves the extension of suffrage to better represent the individual. Rawlings, supra note 23, at 9.
74. Id. at 7-8.
mands for longer parliaments, and "Radical Theory" calls for universal suffrage.  

The electoral system in the United Kingdom is presently geographically oriented, with single members responsible for each constituency.  

Technically, each MP is accountable to all of the electorate, even non-voters or those voting for other candidates. There are, however, limits to this accountability.  

For a long time, Great Britain has been politically divided, with Labor strongest in the north of England, Scotland, and Wales, and the Conservatives strongest in the south and east of England. Because of this polarization, the supporter of the weaker party in any given part of the country might have no ideologically compatible voice in Parliament. In a "safe" constituency, where one party has such strength that its candidate is virtually assured election, there is little need for an MP to address the needs of those supporting other candidates.  

C. Mechanisms for Change in the Electoral Process  

The unwritten British Constitution has no formal amendment process, and a simple majority vote of Parliament suffices for any constitutional modification. Certain procedures have been developed to limit partisan control over electoral changes and constitutional evolution. Two such procedures are the Speaker's Conference to amend the Constitution and the Boundary Commission to redraw parliamentary constituency boundaries. To specifically amend the Constitution, a Speaker's Conference can be appointed by the Speaker of the House of Commons  

75. Id. at 11.  
76. PUNNETT, supra note 2, at 43.  
77. See REEVE & WARE, supra note 23, at 79-82.  
79. The nearest MP from the same party may be several hundred miles away and has little incentive to consider the problems of someone voting in a different constituency. Id. Because the national government is so powerful and local government so weak, the lack of a nearby spokesperson of the same party is very important. PUNNETT, supra note 2, at 179 (discussing the unitary structure of government).  
80. See infra note 127.  
81. See REEVE & WARE, supra note 23, at 79.  
82. PUNNETT, supra note 2, at 178.  
83. See WADE, supra note 7, at 2-3.  
84. PUNNETT, supra note 2, at 43-45 (boundary commissions), 42-43, 65 (Speaker's Conferences).  
85. WADE, supra note 7, at 2. The Speaker must, by convention, drop any party affiliation once elected by the House and is considered impartial. PUNNETT, supra note 2, at 254-55.
from the ranks of the major parties.\textsuperscript{86} The Conference, although available for any major constitutional change, has thus far only been used to address electoral issues.\textsuperscript{87} The Boundary Commission is concerned with improving equality of representation to reflect population changes.\textsuperscript{88} Electoral reform of the magnitude of PR would likely involve both the conference and the commission mechanisms.\textsuperscript{89}

1. The Speaker's Conference

To form a Speaker's Conference, the Speaker of the House of Commons appoints an ad hoc committee based on party nominations.\textsuperscript{90} The committee is composed of thirty members who attempt to avoid partisanship in their discussions of electoral reform.\textsuperscript{91} The conference, lacking legislative powers, can only make recommendations as to possible electoral changes, and its discussions are not made public.\textsuperscript{92} The value of the conference mechanism is its ability to give all sides a voice in the debate. Since the governing party proposes almost all legislation and has the votes to push practically any constitutional change through Parliament, all electoral changes have a strong political dimension.\textsuperscript{93} The Speaker's Conference, by striving for nonpartisanship, adds an element of legitimacy to these constitutional changes. The disadvantages of the Conference are that it serves at the whim of the Prime Minister and lacks the power to enforce its recommendations.\textsuperscript{94}

The authority to call a Speaker's Conference and to set its parameters rests with the Prime Minister.\textsuperscript{95} Generally, prime ministers seek

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\textsuperscript{86} WADE, supra note 7, at 2.
\textsuperscript{87} BRAZIER, supra note 16, at 19.
\textsuperscript{89} See Jeff Rooker, Free Speech 2: Noughts and Crosses in the Polling Booth: Our System Creates Effective Dictatorship, INDEPENDENT, Oct. 6, 1990, at 12 (details Labor MP need for Speaker's Conference to ensure all sides have voice in new system). See also ELECTORAL REFORM: FIRST REPORT OF THE JOINT LIBERAL/SDP ALLIANCE COMMISSION ON CONSTITUTIONAL REFORM 16 (1982) (detailing how Liberal Democrats propose boundary review to create larger multi-member constituencies for the STV system they prefer) [hereinafter JOINT LIBERAL/SDP ALLIANCE COMMISSION].
\textsuperscript{90} BRAZIER, supra note 16, at 19.
\textsuperscript{91} WADE, supra note 7, at 3.
\textsuperscript{92} Id.
\textsuperscript{93} PUNNETT, supra note 2, at 187-88.
\textsuperscript{94} WADE, supra note 7, at 3.
\textsuperscript{95} Id. Speaker's Conferences have been called five times, although none occurred during the administrations of Margaret Thatcher or John Major. BRAZIER, supra note 16, at 19. Sometimes the parameters are not even debated in Parliament, leaving the conference at the mercy of the government. WADE, supra note 7, at 3.
conference advice on the more technical points of the election law rather than on more abstract principles. 96 This is not to say that major electoral reforms have not occurred after speaker's conferences. Women's suffrage resulted from a 1918 conference. 97 Often, however, the government of the day made major constitutional changes without a conference, or even in direct contradiction to conference recommendations. 98 On a volatile issue like PR to which both major parties remain opposed, 99 however, no Speaker's Conference will be called. 100

2. Boundary Commissions

Four permanent boundary commissions, one each for England, Scotland, Wales, and Northern Ireland, are charged with the task of altering boundaries to reflect population changes. 101 In reality, perfect proportionality under the current system is not possible, in part due to discrepancies caused by the Celtic Preference. 102 Although boundary commissions have recommended changes to end the preference, political reality continues to prevent it. 103 The boundary commissions must make recommendations to the Home Secretary 104 every ten to fifteen years. The final decision, as always, rests with Parliament, where politics play a key role. 105 Naturally, each party tries to prevent changes detrimental to

96. BRAZIER, supra note 16, at 19.
97. WADE, supra note 7, at 3.
98. For thirty years until 1948, professors and graduates of certain universities, including Oxford and Cambridge, were able to vote for separate representatives as well as their geographical MPs. These extra representatives were elected under a PR system. Peter Kellner, Citizens or Subjects?, INDEPENDENT, July 4, 1991, at 25 (editorial). See also ANSON, supra note 32, at 122 (listing qualifications). Although the Speaker's Conference recommended retaining these seats, the government terminated them. WADE, supra note 7, at 3. See also PROPORTIONAL REPRESENTATION, supra note 20, at 207 (the first Speaker's Conference in 1916-17 recommended PR, but it was dropped from the reform bill).
99. But see Angela Lambert, Free Speech, INDEPENDENT, Oct 6, 1990, at 12 (Labor's opposition to PR may change as Chairman of Labor Campaign for Electoral Reform calls for Speaker's Conference for nonpartisan PR discussion).
100. WADE, supra note 7, at 3.
101. PHILLIPS, supra note 13, at 191. The Speaker of the House of Commons serves as chairperson of each Commission. The Commissions create population ratios and then attempt to create equality by shifting boundaries. PUNNETT, supra note 2, at 43-44.
102. See supra text accompanying notes 63-66. In 1983, a constituency in Glasgow had 19,000 voters, while one in Buckingham had 110,000. PUNNETT, supra note 2, at 44.
103. Rawlings, supra note 63, at 326.
104. The Home Secretary is responsible for considering the Boundary Commission recommendations and for preparing the legislation to implement any changes approved. Id.
105. DE SMITH & BRAZIER, supra note 88, at 242. Only in the area of electoral fraud and malpractice do the courts have jurisdiction rather than Parliament. PUNNETT, supra note 2, at 43-44.
its interests.  

The role of the British courts in "redistricting" is very limited. In 1983, Labor Party leaders sued in the Court of Appeals in an attempt to block implementation of Boundary Commission proposals. The court held that it lacked jurisdiction over whether the Commission recommendations were fair and limited its examination to whether the Commission exceeded its mandate.

If proportional representation were to be adopted in the UK, boundary review would be necessary to create new multi-member constituencies. In fact, because multi-member constituencies are fewer in number and thus have fewer borders, boundary review under PR may actually be simpler. Creating multi-member constituencies might, however, run afoul of the current tradition requiring respect for county and borough borders. This tradition is a vestige of the Tory Theory of the community as an organic unit. To make this disruption as palatable as possible, the Liberal Party has offered to delay boundary changes until after the first election under PR. The Liberals have also suggested that multi-member constituencies may reduce the need for boundary changes after the initial redistribution, since the number of MPs for that multi-member constituency could be increased or reduced rather than altering each constituency's geographic size.

II. THE CURRENT ELECTORAL SYSTEM

A. Parliament as an Electoral College

Because the government of the day is chosen from the majority party in Parliament, the House of Commons has been called the "electoral college for the prime minister." In many ways the system resem-

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108. Id. at 193.


110. See Proportional Representation, supra note 20, at 211.


112. Rawlings, supra note 63, at 327. For more on the "Tory" theory, see supra text accompanying notes 68-69.

113. Joint Liberal/SDP Alliance Commission, supra note 89, at 16 (though one wonders if this accommodation is to insure increased Liberal influence over the boundary review).


115. Lawrence D. Longley, The Politics of Electoral Reform in Great Britain and the
bles the presidential electoral college in the United States which translates state popular votes into winner-take-all electoral votes. Under both systems, the winner generally receives a bonus in electoral votes or parliamentary seats. Many incorrectly believe, however, that the "first past the post" system discriminates against all third parties. It is true that there is a bias against third parties which have considerable voter appeal nationwide, such as the Liberal Democrats in the UK, or Ross Perot who captured nineteen percent of the presidential vote in 1992 but won no electoral votes in the United States. Both the American and the British systems, however, favor small third parties that are regionally concentrated. In the UK in 1974, for example, regional parties such as the Scottish Nationals won 2.9% of the vote and 1.7% of the seats, while the Liberals with 18.3% of the vote won only 2% of the seats. Despite this regional favoritism, both the American and British systems are based on a binary principle whereby only two parties can effectively compete nationally for power.

B. How the Two Party System Dilutes Voter Influence

Under the binary system, the British electorate has several clear expectations: choice between two parties; locally based representation; a strong government with an adequate majority to pass legislation; and a clearly defined opposition. A strong third party under the current system is nearly impossible. Instead, a new party would have to replace one of the two dominant parties, as the Labor Party replaced the Liberal Party in the 1920s.

Local constituency work is very important to most MPs since the parliamentary system allows individual MPs little influence over legislation. Representing and solving specific constituency problems have been

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United States, 41 PARLIAMENTARY AFFAIRS 527, 527 (1988) (attributing remark to advisor of the Prime Minister). The Prime Minister, as head of government, is chosen from the party with the most, and usually a majority, of seats in the House of Commons. PUNNETT, supra note 2, at 185.

116. Longley, supra note 115, at 527.
117. Id. at 528.
118. PUNNETT, supra note 2, at 67-68. For U.S. presidential results, see Howard Fineman, The Torch Passes, NEWSWEEK, Nov./Dec., 1992 (Special Issue), at 4.
119. Longley, supra note 115, at 528-29. Meanwhile, in the U.S. in 1948, Strom Thurmond, running for President under the Dixiecrat Party, won 2.4% of the popular vote, but concentration of his support in the South won him 39 electoral votes. Id.
120. Holme, supra note 31, at 132.
121. Id. at 131.
122. Id. The Liberal Party had for much of the nineteenth century been the predominant party of the Left. Id.
called an MP’s last claim to individual identity. Without the local links, an MP can easily be absorbed into the regimented parliamentary voting patterns set by the national party machine. Many members, especially opposition MPs who are denied any real say in government, need to respond to local concerns to gain recognition and future support. In reality, however, the party system is extremely important at the local level, as well as at the national level. It is the local party that chooses the candidate for Parliament. Since the majority of parliamentary seats are “safe seats,” it is the party selectors who in most cases decide who becomes an MP.

Voter influence on MPs is diluted in other ways as well. In races with three or four candidates, it is likely that the winner will receive less than fifty percent of the vote; in fact, a substantial number of MPs are not elected by a majority of their constituents. It is hard to reconcile the theory of local affiliation with the reality that many MPs are chosen by a select party group and elected by a minority of the electorate. The Tory Theory of community affiliation must compete with the current system favoring the Whig Theory of virtual representation.

C. Britain as a Divided Nation

1. The Class Division

Some critics argue that the current electoral system aggravates and prolongs class division in the UK, leading to an overly adversarial system. This system allegedly aggravates class relations and adversely affects industrial relations, thereby impeding economic development. It appears that class division partially causes, and partially results from, the polarization of the two major parties into the working class North/South.
inner-city Labor areas and the more affluent South/suburban-rural Conservative areas. The dividing line between the two parties lies in 100 to 200 hotly contested constituencies.

The Labor Party traditionally derives its strength, as its name suggests, from the working class. This group is generally strongest in the industrial heartland of northern and central England, as well as in less developed areas like Scotland, Wales, and the poorer inner-city. It is weaker in southern England. During the last session of Parliament, Labor had no MPs from any rural English constituency.

The ruling Conservative Party is strongest in the more affluent South and in the suburbs, particularly around London. It also does well in the agricultural areas of England. The general stereotype is that while the Labor Party is concerned with urban and working class issues, the Conservatives tend to concentrate on matters affecting business, land owners, and the upper class. Recently, however, this stereotype has proved less accurate than in the past since there is now a sizeable Conservative working class vote.

Both social and environmental factors help determine constituency voting patterns. The effect of these factors on voting patterns can be seen in studies indicating how voters react to the surrounding electorate. Salaried voters in working class neighborhoods tend to vote Labor despite their higher incomes. Working class people living in salaried areas, meanwhile, are more likely to vote Conservative. In general, the swing of the working class toward the Conservative Party has been stronger than the swing of salaried voters toward Labor.

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134. See Anthony Heath et al., How Britain Votes 74 (1985).
135. Joint Liberal/SDP Alliance Commission, supra note 89, at 3-8. These are the "marginal" constituencies.
136. Punnett, supra note 2, at 75. The Labor Party was formed by an alliance between trade unions and socialist societies in 1900. Id.
137. Heath et al., supra note 134, at 74.
138. In some areas the Labor Party places third behind the Liberal Party. Id.
139. Holme, supra note 31, at 134.
140. Heath et al., supra note 134, at 74.
141. Id.
142. See Punnett, supra note 2, at 112-16.
143. Heath et al., supra note 134, at 75.
144. Salaried workers are those not on hourly wages and are generally considered more likely to vote Conservative. Id.
145. Id. at 76-78.
146. The term "swing" is used to define the change in the fortunes of a party from one election to the next. It is often used to compare the two major parties. When used in this manner, the swing is measured as a percentage of the total votes cast for both major parties. For instance, in 1992 as compared with the 1987 general election, there was an overall swing of
dominance is due, in part, to the exodus of the middle class to the suburbs.\textsuperscript{147} The increased number of private residences in the South, including rapid suburban growth, has reduced the number of working class communities. This expansion has coincided with a drop in the number of low cost housing tenants in the South.\textsuperscript{148} In fact, Labor would have lost more seats in recent elections if its support had not been so concentrated in the North and the Celtic regions and had instead been more evenly distributed throughout the country.\textsuperscript{149}

Although the two parties have difficulty winning seats in the other's base of strength, they still win a considerable number of votes in their areas of weakness.\textsuperscript{150} In actual distribution of votes, Great Britain is not as divided a nation as it appears.\textsuperscript{151} Nonetheless, the composition of Parliament does not accurately reflect the views of voters in each region. The inequities caused by class and regional divisions can increase voter frustration since a majority did not vote for their representative and often voters do not have an MP of the same party for hundreds of miles.\textsuperscript{152}

Voter frustration in the UK is evidenced by the lowest voter turnouts in Europe.\textsuperscript{153} Although there are cultural differences to consider, voter turnouts are higher in both the Republic of Ireland\textsuperscript{154} and in Northern Ireland.\textsuperscript{155} Proportional representation was originally permitted in Northern Ireland to give the Catholic minority a voice in the European Parliament,\textsuperscript{156} and today Northern Ireland remains the only area in

3% toward Labor. Of the people voting for these two parties, the move in 1992 was thus toward Labor. Based on the estimated swing, pollsters prior to an election can estimate the number of seats that each party will win nationally. \textit{Election Results: How Labor Lost}, supra note 15, at 62.

\textsuperscript{147} HEATH ET AL., supra note 134, at 76-79.
\textsuperscript{148} \textit{Id.} at 80.
\textsuperscript{149} \textit{Id.} at 75.

\textsuperscript{151} \textit{JOINT LIBERAL/SDP ALLIANCE COMMISSION}, supra note 89, at 6.
\textsuperscript{152} Holme, \textit{supra} note 31, at 134-35.
\textsuperscript{153} In the 1989 European Parliament elections, the average turnout ranged from Germany (62.4%) to Denmark (46.2%). Great Britain's turnout was the lowest (35.9%). This ranking excludes countries with national elections on the same day or fines for non-voters. Lakeman, \textit{supra} note 18, at 86.
\textsuperscript{154} Ireland, with national elections the same day, had a 68.3% turnout. \textit{Id.}
\textsuperscript{155} Ireland has the most similar heritage to the UK. Northern Ireland now uses PR for local and European elections. In the 1989 European elections, Northern Ireland had a 47.7% turnout using PR to Britain's 35.9%. \textit{Id.}
\textsuperscript{156} \textit{Id.} at 78. In fact, the British constitutional model, by stifling dialogue and promoting
the UK permitted to use the STV (single transferable vote), a form of PR. The higher voter turnout in Northern Ireland occurred after the region switched from the “first past the post” system to PR.

2. The Divided Parties

The “first past the post” system also magnifies factional divisions within the Labor and Conservative Parties. Since each party has a geographic area of electoral strength, the parties have little incentive to broaden the party leadership to include citizens from other regions. The result of this insular thinking is greater influence exerted by extreme elements within each party in forming the election manifestos. These highly detailed election documents often do not have the support of a large share of active party members. This intra-party extremism means that the more moderate elements of each party are often excluded. One commentator claims that Great Britain is in danger of being led by a “minority within a minority.”

Proportional representation might moderate some of this extremism since some PR systems, particularly STV, remove some of the power of the local party candidate selectors by putting more than one candidate on the ballot from each party in a multi-member constituency. This gives voters who have no voice in the selection of candidates a chance to choose between different factions of the same party. The “first past the post” system does not allow such a choice. Candidates under the current system may be justified in believing they owe more to party selectors than to voters.

The “first past the post” system may have widened the ideological political extremism, may have contributed to Northern Ireland’s volatility. Ulster Contains a Warning and Solution for all Britain, supra note 132, at 13.

157. Since 1973, Northern Ireland has employed the STV for both local and European elections. See The Best System, supra note 30, at 21, 25. The three Northern Irish members of the European Parliament were elected from a single three-person constituency. See Punnett, supra note 2, at 459.

158. When Britain and Northern Ireland used the same system there was no noticeable difference in turnout. Lakeman, supra note 18, at 86.

159. See Cornford, supra note 2, at 559.

160. Wade, supra note 7, at 11.

161. Id.

162. Id. at 12.

163. Id. at 11.

164. For a detailed explanation of STV, see infra text accompanying notes 292-301.

165. Joint Liberal/SDP Alliance Commission, supra note 89, at 10.

166. Id.

167. Id.

168. Id. at 11.
divisions between the parties. During the past twenty years, alternating Conservative and Labor governments have fluctuated between nationalization and privatization, resulting in a lack of continuity in government policy. This lack of consistency undermines one of the main arguments for the current electoral system: that its distortions lead to stable government. In fact, business leaders and workers who rely on industrial policy are left unsure as to what future governments will do. This polarization argument was stronger during most of the 1970s and 1980s when the parties were ideologically far apart. The Conservative Party undertook a massive program of privatization to replace many aspects of the socialist state that former Labor governments had attempted to create. Prior to the 1992 elections, however, both parties appeared to be moving toward the center. This movement indicates that polarization of the parties will probably play a less prominent role in the future.

D. The Current System's Bias Against Women and Minorities

The current system forgives parties for not broadening their appeal to attract diverse voters. It is also blamed for leaving Great Britain with the lowest number of women and minority MPs, based on population, of any parliament in the EEC. Under PR, it is likely that women and minority candidates would stand a better chance of election. PR encourages candidates who appeal to a wider audience since there are few constituencies that are "safe" victories for one party. In the last Parliament, only four Black or Asian MPs served. Black Labor Party organizations currently advocate PR as a way to elect more minority MPs.

169. FAIR VOTES GUIDE, supra note 78, at 4. See also Oliver, supra note 12, at 112.
170. PROPORTIONAL REPRESENTATION, supra note 20, at 219.
171. WADE, supra note 7, at 11.
172. HAILSHAM, supra note 1, at 21.
173. PUNNETT, supra note 2, at 8.
174. Peter Jenkins, Why Ashdown Can Only Hope, INDEPENDENT, May 7, 1991, at 19 (editorial) (detailing how Liberal Democrats are in danger of losing the center ground to the two main parties). The Labor Party, for example, has reversed its stance calling for unilateral British nuclear disarmament. Business International Country Monitor—United Kingdom, supra note 19.
175. See Plant, supra note 27, at 556.
176. See FAIR VOTES GUIDE, supra note 78, at 22 (chart showing that in 1983, women made up 3.5% of MPs, as opposed to 9.8% in Germany and 23.4% in Denmark).
178. Id.
179. The black organizations claim that Britain's black population entitles them to nearly thirty seats in Parliament. Id.
E. A Uniform Voting System for European Elections

The Treaty of Rome requires adoption of a uniform system for election of members to the European Parliament (MEPs). As a result of British intransigence, this has not occurred during the three European elections to date. Although the goal of the European Parliament is broad-based representation, the British system ensures almost exclusive representation to the two main parties. Since the UK is the only country in the EEC using the “first past the post” system, PR is certain to prevail once uniformity is established. Recognizing the inevitability of PR in European elections, the House of Lords recently considered adopting PR for EEC elections. The bill, however, languished and died in the House of Commons.

Because of British delays, the three previous elections to the European Parliament were all held under the various national electoral systems. In the UK, this resulted in the usual skewed results favoring the Labor and Conservative Parties. In 1984, for example, the Liberal/SDP Alliance gained one-fifth of the votes but won no seats. In 1981, the Liberal Party challenged the UK EEC electoral system before the European Commission of Human Rights, charging that the current system resulted in unjustifiable discrimination. The Commission found that equality of access to the electorate had not been violated, and, in a narrow reading of the International Convention on Human Rights, it ruled that there was no guarantee of equal voting influence. Therefore, the current system will not be eliminated by the Commission, and any new MEP electoral system will require consensus among EEC members.

The issue of uniform national elections was rekindled by the requirements of the Maastricht Treaty which, if adopted, requires uniformity. With the EEC playing an increasingly prominent role in the legal affairs

180. See Oliver, supra note 12, at 114; see also Lakeman, supra note 18, at 77.
182. Lakeman, supra note 18, at 78.
183. Oliver, supra note 12, at 114.
184. See Letter from Robin Squire (Conservative MP), INDEPENDENT, July 6, 1990, at 18 (editorial).
185. PUNNETT, supra note 2, at 459.
186. Id.
187. Id. at 459-60.
188. Boyle, supra note 59, at 168.
190. Boyle, supra note 59, at 168.
191. MAASTRICHT TREATY art. 138(3). Under the Treaty, the EEC, the European Coal

The peculiarities of the "first past the post" system, in which a small swing in party preference can significantly alter the size of each party's delegation, may affect the composition of the European Parliament.\footnote{FRANcIS JACOBS & RICHARD CORBETT, THE EUROPEAN PARLIAMENT 16-17 (1990).} As in British national elections, the makeup of the British delegation to Europe depends on a few "marginal" seats (20-25 in European elections). In European elections, constituencies are larger than national constituencies, leaving fewer seats "safe."\footnote{Id.} As a result, the composition of the British delegation of MEPs can change drastically with each election. In 1984, the European Democratic Group (EDG),\footnote{A "Group" in the European Parliament is the main device by which political activity is channelled. A minimum of twelve MEPs are required. Generally, Groups form along ideological lines. NUGENT, supra note 181, at 146-47.} of which the British Conservative Party was the largest, gained fifty seats on six million votes, while a more liberal group won thirty-two seats on ten million votes.\footnote{Id.} In 1989, the pattern reversed and the Labor Party won forty-five MEP seats from Britain.\footnote{Id.} Presently the Socialist Group is the largest group (with Britain's Labor Party the biggest contributor of seats), and the EDG has dropped to thirty-four seats.\footnote{Id.}

Many members of Great Britain's major parties recognize that a PR system for European elections is inevitable.\footnote{Rights and Wrongs, DAILY TELEGRAPH, July 8, 1991, at 16.} These same government ministers argue that a PR system for European elections does not set a precedent for change at home since, unlike national elections, European elections do not involve the formation of a government.\footnote{Id.} Instead, the European Parliament is generally a consultative body that represents the views of the electorate. In this regard, PR serves democracy well by allowing a broad range of public opinion.\footnote{Plant, supra note 27, at 555. See also ELECTORAL REFORM SOCIETY, supra note 111, at 1.}

The next European election is scheduled for 1994. The urgency in
deciding how to run European elections recently increased when EEC leaders agreed to increase the representation of the larger countries, including the UK.\(^{202}\) A recommended method to allocate these extra seats is to adopt a partial list system and use these seats to "top up" each party's share of the geographic constituencies.\(^{203}\) It appears, however, that the British government will redraw European election boundaries to avoid using PR in the 1994 European election.\(^{204}\) Therefore, despite the Treaty of Rome and the Maastricht Treaty, Britain will once again use the "first past the post" system.

### III. ATTEMPTED JUSTIFICATIONS FOR THE PRESENT SYSTEM

#### A. Strong and Stable Government

Although no party has won more than fifty percent of the popular vote since World War II, distortions caused by the "first past the post" system have generally left the governing parties with strong parliamentary majorities.\(^{205}\) Critics of change point out that the British electorate is choosing a government.\(^{206}\) They claim the voters must decide who will form a government, not the politicians themselves who, if left unable to govern by a hung parliament,\(^{207}\) build coalitions through deal-making.\(^{208}\) Much of the dislike of coalition building springs from the major parties' fear that PR would give third parties the balance of power.\(^{209}\) The Lib-

\(^{202}\) At the Edinburgh summit held in December of 1992, it was agreed that Great Britain will receive six additional seats in the 1994 election. The British government must rapidly decide whether a boundary review is necessary to apportion these new seats. *PR Possible in British Euro Poll*, GUARDIAN, Dec. 16, 1992, at 4.

\(^{203}\) Id.

\(^{204}\) *See Same Election System for Britain*, FIN. TIMES, Dec. 22, 1992, at 4 (quoting Prime Minister as saying he would not imitate other European Community countries that use PR).

\(^{205}\) The Conservative Party won 42.2% of the national vote and received 57.5% of the seats in the House of Commons during the national elections in 1987. Longley, *supra* note 115, at 527. In 1992, the Conservative Party won 42.8% of the vote and 51.6% of the seats. *Election Results: How Labor Lost, supra* note 15, at 62. The electoral distortion caused by the "first past the post" system was thus less pronounced in 1992. It may not be so in 1997.

\(^{206}\) *Rights and Wrongs, supra* note 199, at 16.

\(^{207}\) In a hung parliament, no party wins a majority of the seats in Parliament, which thus lacks the voting majority needed to pass legislation. *See Peter Kellner, Don't Call Us Paddy, We'll Call You*, INDEPENDENT, May 10, 1991, at 23 (editorial) (account of likely scenarios had the current system caused a hung parliament in 1992). *See also Proportional Representation, supra* note 20, at 221 (the Prime Minister declared his opposition to deals made in "smoke-filled [back] rooms").

\(^{208}\) When no party has a clear majority, deals must be struck with other parties to secure a working majority. *Proportional Representation, supra* note 20, at 221.

\(^{209}\) *See, e.g., id.* (arguing that the present system gives strong government with clear man-
eral Democratic Party believes that an election leading to a hung parliament offers it the chance to form a coalition with one of the major parties. Under the current system, coalition government is unusual, but not unknown, as illustrated by the Labor-Liberal union during the 1974-1979 Parliament. As the price for its support in a future coalition, the Liberals are expected to demand some meaningful move toward PR. The Liberals could be denied this coalition opportunity, however, because the balance of power in a future parliament may not actually rest with the third largest party, but with one of the much smaller Unionist parties holding fewer seats. The Unionists are Protestants in Northern Ireland who generally support the Conservative agenda but who have extremist views in certain policy areas, such as the status of Northern Ireland. This scenario could be plausible if the Conservative Party was the largest party but was slightly short of a majority. Thus, despite arguments that PR gives excessive power to smaller parties, the balance of power under the UK's current system potentially rests with even smaller and perhaps more extreme parties.

The stability of the current system argument is based on the ability of the governing party to pass its electoral manifesto and exercise its "mandate" for change. This argument ignores the fact that this "mandate" is not from a majority of the electorate and that a government's
work can be undone by future governments claiming a radically different "mandate." 218

B. Party's Desire to Govern on Its Own

Because each party has a vested interest in the status quo, the major constitutional changes necessary for electoral reform are unlikely without a crisis such as a hung parliament. 219 The Labor Party is considered the most likely to back PR, particularly if the Party can tap into the sixty-three percent of the electorate that polls indicate favor electoral reform. 220 There is an obvious tactical reason why each party wants its opportunity to govern alone: a coalition government would dilute the current party polarization and retard the ambitions of the more radical elements of the parties. 221 For instance, in the 1970s the Labor Party General Secretary urged supporters to oppose PR because it would make a "democratic socialist Britain" impossible. 222 The flaw with this argument, of course, is that under PR such a socialist policy would fail, not through some fault of the electoral system, but precisely because a majority of the electorate opposed it. 223

The Conservative Party, in power since 1979, perceives little need for major constitutional and electoral reform. 224 Conservatives are quick to point to PR countries with weak coalitions, such as Italy and Israel, as examples to be avoided. 225 PR advocates counter that other countries

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218. PROPORTIONAL REPRESENTATION, supra note 20, at 219.
220. Patrick Dunleavy & Stuart Weir, Ignore the People at Your Peril, INDEPENDENT, Apr. 25, 1991, at 27 (editorial). By election time, however, this figure had dropped to 57%, perhaps due to Conservative exploitation of the Labor Party's wavering stance on PR. PR Realities—Proportional Representation, supra note 209, at 21.
221. WADE, supra note 7, at 12.
222. Id.
223. Id. at 11-12.
224. See, e.g., PROPORTIONAL REPRESENTATION, supra note 20, at 221-22. The Party maintains this position despite polls, such as one in 1991, that concluded that 63% of voters believe the system needs "quite a lot, or a great deal of improvement," 45% are content with coalition government, and 63% want either a Bill of Rights or PR. Dunleavy & Weir, supra note 220, at 27. For a discussion of the views of the Left, see Bogdanor, supra note 219, at 118-19 (discussing traditional Left arguments for PR).
225. PROPORTIONAL REPRESENTATION, supra note 20, at 221-22. Both of these countries are considering reforming their PR systems. Hugh Carnegy, Herzog Urges Electoral Reform, FIN. TIMES, June 24, 1992, at 4 (Israel); Ian Davidson, Common Thread of Reform, FIN. TIMES, Dec. 21, 1992, at 34 (Italy); and 'Back PR' Call to Blair, Brown, supra note 20, at 3 (arguing that the highwater mark for PR has passed). Both Italy and Israel, however, are extreme examples of pure PR with no restrictions on small parties. This is not the method the UK need adopt.
under PR, such as Germany, have very stable governments and that the level of stability reflects cultural expectations. A PR system can be developed either to prevent one party domination, as in Italy, or to encourage strong government, as in Germany.

C. The Rise of Extremist Parties

Other commentators contend that the "first past the post" system weeds out small and potentially dangerous extremist parties by favoring larger parties. They point to the comparatively rapid growth of racism on the continent as proof of extremism under PR. During the 1992 campaign, one prominent Conservative politician claimed that "proportional representation would be a pact with the devil. PR has helped fascists to march again in Europe."

The slower growth of extremist groups in Great Britain, if indeed true, may be due more to cultural differences between Great Britain, an island nation with a comparatively long history of democracy, and continental nations, whose unprotected land borders have historically permitted waves of invasion and immigration. Furthermore, the Conservatives ignore the fact that the current British system still allows for a geographically concentrated extremist group to reach Parliament. The Conservative claim is equally disingenuous because it conflicts with the situation in Northern Ireland, the UK's most troubled region. In Northern Ireland, the British government permitted PR for European elections precisely to reduce the risk of violence. PR further limits small parties by employing a minimum vote threshold, such as five

226. REEVE & WARE, supra note 23, at 162-63. The German federal system, with regional governments, provides more levels for plurality and multi-party democracy than the centralized British government, which by the next election, due by 1997, will have been under Conservative control for nearly twenty years. Keep to the Plural Path- Constitutional Reform Needed to Maintain Permanent Plurality, GUARDIAN, May 1, 1992, at 18.

227. Italy's system was designed to prevent one party from achieving dictatorial powers in an effort to avoid a repeat of its Fascist past. In reality, the system as designed has proved unworkable. William D. Montalbano, Italy's Chaotic Electoral System Confronting the Executioner, L.A. TIMES, Feb. 16, 1993, at H5.

228. REEVE & WARE, supra note 23, at 162-63.


230. Id.


233. For a discussion of small Unionist parties, see supra note 214. In addition, Northern Ireland, which still uses the "first past the post" system for national elections, has sent several IRA and Protestant extremists to Parliament. Bogdanor, supra note 231, at 21.

percent, before any parliamentary seats may be won.\textsuperscript{235} The election of proportionally more minority MPs under a PR system might also counterbalance any racial extremism.\textsuperscript{236}

D. Complexities of Proportional Representation and Its Effect on Local Representation

PR systems involve complex formulas, and immediate results are impossible since votes are recomputed several times until a candidate reaches the quota for election. The quota is determined by a mathematical formula based on the number of votes cast.\textsuperscript{237} Under this system, it is possible for a candidate leading on the first round to lose once the voters' second choices for other candidates are distributed.\textsuperscript{238} Some critics claim that the British electorate will be unable to understand both the complexities of the system and the need for delays.\textsuperscript{239} Proponents of PR counter that PR works in countries with traditions similar to those of the UK, such as Northern Ireland and the Republic of Ireland.\textsuperscript{240}

The British system of representation is based on the idea of local contact.\textsuperscript{241} Many fear that PR, with its national party candidate lists or multi-member constituencies, will end direct contact between MPs and clearly definable geographic constituencies.\textsuperscript{242} Yet advocates of PR, such as the Liberal Party, do not seek an end to this link. Instead, they advocate multi-member constituencies based on regions whose "natural boundaries" are set by the historical makeup of that region, thus returning to the "Tory" theory of representation.\textsuperscript{243}

\begin{itemize}
\item \textsuperscript{235} Germany uses such a 5\% threshold. Oliver, \textit{supra} note 12, at 114-15.
\item \textsuperscript{236} Bogdanor, \textit{supra} note 231, at 21.
\item \textsuperscript{237} Oliver, \textit{supra} note 12, at 120-21. The quota is the number of votes required to be elected, and it varies based on the total number of votes in the election. \textit{Id.} See infra note 299.
\item \textsuperscript{238} \textit{Proportional Representation}, \textit{supra} note 20, at 211. Under the STV system, for example, each time the lowest vote getter is dropped on each round, his or her votes must be reapportioned until one candidate reaches 50\%. See \textit{Williams & McLean}, \textit{supra} note 14, at 17-18.
\item \textsuperscript{239} See Plant, \textit{supra} note 27, at 555 (citing a Danish government fact sheet which claimed that only forty people in the entire country fully understood the mathematics of the electoral system).
\item \textsuperscript{240} \textit{The Best System}, \textit{supra} note 30, at 21.
\item \textsuperscript{241} See \textit{supra} text accompanying note 68.
\item \textsuperscript{242} \textit{Proportional Representation}, \textit{supra} note 20, at 220.
\item \textsuperscript{243} In other words, definable areas, such as boroughs or cities, would not be divided among constituencies. \textit{Joint Liberal/SDP Alliance Commission}, \textit{supra} note 89, at 9. See also Rawlings, \textit{supra} note 23, at 11.
\end{itemize}
IV. PROPORTIONAL REPRESENTATION SYSTEMS

There are two main varieties of proportional representation: the List System and the preferential voting methods like the STV. The systems vary based on whether fair representation of parties or of individuals is sought. The List System concentrates on proportional representation of the parties, while the STV concentrates on representing the general population. The systems also differ in their emphasis on the national party machine in choosing candidates.

A. The List Systems

Under the List System, each party presents its candidates to the electorate as a list. The party chooses the order in which to rank its candidates, with the more important candidates generally listed higher. Each vote for the party then goes to the highest ranking candidate still requiring votes for election. The candidates appearing further down the list will be elected only if the party does well on election day. This method gives great importance to candidate ranking on the list and thus to the national party organization that develops it.

1. The Pure List System

Under the "pure" List System, the lists are drawn up by the extra-parliamentary party organizations. Generally in countries that use the "pure" system, such as Israel, there are no regulations on how the lists of candidates are prepared. The voter cannot choose whom his or her vote elects, since votes for a party go to the candidate highest on the list who has not yet been elected. In other countries, such as Belgium and Denmark, the voter can mark a preference for a particular candidate appearing anywhere on the list, making it possible for a candidate appear-

244. PUNNETT, supra note 2, at 69-72.
245. Plant, supra note 27, at 554. Both can be considered fair, depending on whether Parliament must be a microcosm of society (STV) or whether there should be competition between the parties as agents of the electorate (List).
247. Id. at 113.
248. REEVE & WARE, supra note 23, at 151-52.
249. Id.
250. In Holland, only three candidates since World War II who were placed at the bottom part of their party's lists were elected. PROPORTIONAL REPRESENTATION, supra note 20, at 212.
251. Oliver, supra note 12, at 113.
252. Id. In Israel there is no regional affiliation, and all legislators are deemed to represent the entire country. But see Carnegie, supra note 225, at 4.
253. Oliver, supra note 12, at 113.
ing lower on the list to overtake higher-placed candidates. When no preference is indicated, the vote is distributed to the highest candidate on the list. The variation used in Finland decreases party power by listing the party candidates alphabetically, forcing the voter to indicate a preference.

The “pure” List System requires either very large constituencies or none at all. This is at odds with the Tory Theory concept of geographic representation accepted in Great Britain. A proliferation of small parties under the “pure” system can also make governing difficult. An excellent example of this proliferation is found in Israel, where small religious parties have held the balance of power in almost every government since independence.

2. The German “Hybrid” List System

Germany dealt with the twin problems of the “pure” List System—no geographic representation and the proliferation of small parties—by modifying the system. Germany addressed the former problem by giving the voters two votes, one for a constituency MP elected under the “first past the post” system, and another vote for a regional list. The danger of small parties is lessened by requiring a party to win five percent of the votes, or at least three constituencies, before the party is allocated any regional list seats.

One-half of the German Parliament, the Bundestag, is elected from single-member constituencies, much as they are in the UK. The other half comes from party lists. The list votes for each party are aggregated nationally, and each party is allotted list seats in addition to the constituency seats in order to increase, or “top up,” that party’s representation to reflect its national share of list votes.

254. Id.
255. Id. at 113-14.
256. Id. at 113.
257. See Rawlings, supra note 23, at 11.
258. Reeve & Ware, supra note 23, at 72.
259. Four religious parties with eighteen out of 120 seats hold the balance of power. Proportional Representation, supra note 20, at 220. Israel has no threshold to weed out smaller parties. Id.
260. See Oliver, supra note 12, at 114-15.
261. Id.
263. Punnett, supra note 2, at 71.
264. Id.
265. Oliver, supra note 12, at 114-15. The Free Democrat Party has not been in the opposition in Germany since 1969, yet it won its first constituency seat in twenty-nine years in the
Criticizes argue that the List System "nationalizes" the selection process and gives increased power to the national party at the expense of local committees.\textsuperscript{266} To guard against this nationalization of the process, German law governs party selection.\textsuperscript{267} It is unlikely, however, that a legally imposed monitoring system would be acceptable to British political parties.\textsuperscript{268} Germany and the UK also differ on who handles constituency problems. In a federalist country like Germany, there is a layer of regional government (called Land) that can handle many constituency complaints.\textsuperscript{269} With no such regional government in the UK, the geographical importance of the MP is increased.\textsuperscript{270} One other difference between the List and the "first past the post" systems is the absence under the List System of by-elections\textsuperscript{271} to replace MPs who leave office. In Germany, the party appoints the next candidate on the list as the new MP, rather than holding a special election.\textsuperscript{272}

Despite the claims that PR leads to unsteady coalitions, Germany enjoys a remarkably stable government.\textsuperscript{273} The Free Democrats are a moderate party that tends to remain in long-term alliances; the most recent coalition switch occurred in 1982.\textsuperscript{274} Previous coalitions openly formed so that voters knew the composition of alliances prior to the election.\textsuperscript{275}

3. Formulae for Allocating Seats

Each PR system seeks to minimize any disproportion based on the definition of proportionality that underpins it.\textsuperscript{276} The d'Hondt method, invented by Thomas Jefferson to apportion seats in Congress, is used in Germany and throughout much of Europe.\textsuperscript{277} It awards the next seat to the party with the highest value under the formula: votes won / (seats

\begin{flushleft}
\textsuperscript{266} Oliver, \textit{supra} note 12, at 118.  
\textsuperscript{267} \textit{Id.}  
\textsuperscript{268} Rawlings, \textit{supra} note 23, at 232.  
\textsuperscript{269} Oliver, \textit{supra} note 12, at 117.  
\textsuperscript{270} Punnett, \textit{supra} note 2, at 279-83.  
\textsuperscript{271} A by-election is a special election held in a constituency whose member has either died or left office during the life of a parliament. \textit{Id.} at 38, 47, 53.  
\textsuperscript{272} Oliver, \textit{supra} note 12, at 117.  
\textsuperscript{273} \textit{Id.} at 116.  
\textsuperscript{274} \textit{Id.}  
\textsuperscript{275} \textit{Id.}  
\textsuperscript{277} \textit{Id.} at 34. \textit{See also} Oliver, \textit{supra} note 12, at 115.
\end{flushleft}
As a seat is won, that party's average will drop. If the party's average dips below the average of another party, the other party will gain a seat. The d'Hondt formula concentrates on minimizing the over-representation of the most over-represented party. The formula is severe on the smaller parties, thus making the formula popular with larger parties.

A second major formula for allocation is the Sainte-Lague formula used, with modification, in several Scandinavian countries. This formula reduces the party averages quicker than does the d'Hondt formula, making it easier for small parties to win seats. In its purest form, it is considered too favorable to small parties.

4. The Blake Commission

In 1976, the Blake Commission developed a system called the Additional Member System (AMS) for the UK, which operates somewhat like Germany's system. Under the AMS, three quarters of the House of Commons would be elected under the "first past the post system," and the remaining quarter would be allocated to the parties. The country would be divided into regions, and one quarter of the seats would be divided among the parties to compensate for any inequalities resulting from the "first past the post" system in each region.

Instead of party lists, the unsuccessful constituency candidates from each party would be listed in order based on the percentage of votes the party received in the "first past the post" contest. Additional seats would be won by each party's highest-placed candidates. Adopting the Commission's recommendations, by allocating seats by party, would have marked the first time party affiliation was officially recognized as a qualification for Parliament.

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278. Gallagher, supra note 276, at 35.
279. Id.
280. Id. at 34.
281. The Sainte-Lague formula is used in modified form in Denmark, Norway, and Sweden. Like the d'Hondt method, it also saw use in the United States for apportionment. Id. at 35-36.
282. Id.
283. Id.
284. Oliver, supra note 12, at 118.
285. Id.
286. Id. at 118-119.
287. Id. The Blake Commission also recommended the retention of local party selection of candidates. Rawlings, supra note 23, at 232.
One problem with the AMS is that the voting percentage that a candidate receives would depend on the number of candidates in that particular constituency. When the number of candidates becomes a factor in determining outcome, the election is no longer a true measure of popularity. Critics also doubted that a twenty-five percent regional allocation would be enough to ensure proportionality between the parties. Such criticisms prevented the Blake Commission proposals from ever being implemented.

B. The Single Transferable Vote

One way to achieve PR without increasing the power of the political parties is to adopt the STV system, which is concerned with the proportionality of individual votes. Under the STV, each constituency has multiple members, ranging from two or three for less populous areas to five for most of the UK. Five is generally considered the optimal number since, in constituencies with fewer MPs, large minority parties will once again be underrepresented.

Each party may put up as many candidates as there are seats in the constituency, or it may choose to put up fewer candidates to avoid diluting its vote. The voter marks the names of the candidates in order of preference. Allowing voter preference enables the electorate to choose among candidates from the same party to find one ideologically similar to the voter. Under the STV, the quota to win a seat equals: \[
\text{votes cast} / \# \text{of MPs} + 1 + 1.
\]
This is the "Droop Method" used in the Republic of Ireland. The first preference of each voter is allocated to that constituency's candidates. Any candidate meeting the quota on the first round wins a seat, and excess votes are divided, weighted according to the proportion of the excess votes to the total votes cast for the winning candidate, among the remaining candidates based on the voters' second choices. In each round the least successful candidate is eliminated, and his or her votes are redistributed. Note that even in a safe seat, where a candidate wins a huge majority, none of the excess

289. Oliver, supra note 12, at 119.
290. Id.
291. Id.
292. Plant, supra note 27, at 554.
293. Oliver, supra note 12, at 122.
294. Id. at 120.
295. Id.
296. REEVE & WARE, supra note 23, at 150. See also Oliver, supra note 12, at 120.
297. Oliver, supra note 12, at 120.
298. REEVE & WARE, supra note 23, at 150-51.
votes are wasted.\textsuperscript{299} In Ireland, the system has led to governments with small majorities and some coalitions.\textsuperscript{300} The STV is also employed in local and European elections in sectarian Northern Ireland. Proponents of STV point to its successful use in this part of the UK and in countries with societies similar to Great Britain as evidence that the STV is the best system for Great Britain.\textsuperscript{301}

Problems with the STV include the need for larger multi-member constituencies. Critics argue that this will reduce an MP's sense of duty to constituents since another MP in the same area shares responsibility for the constituency.\textsuperscript{302} This argument is not very persuasive, however, since a secret ballot makes it impossible for an MP to know who voted for whom. A more serious problem is that the new constituencies will have to be much larger than current ones and will cross local government boundaries.\textsuperscript{303} The Liberal Democrats, long advocates of STV, claim this problem can be avoided by tailoring the new constituencies to "natural communities."\textsuperscript{304} Since local government boundaries do not always follow the boundaries of a recognizable community, some governmental boundaries would be crossed. To the voter, however, this would seem reasonable because the community would still appear to be intact.\textsuperscript{305}

V. CONCLUSION: THE REALITY OF GREAT BRITAIN AND THE BEST SYSTEM

The electoral system of a democracy reflects the shared experiences and legal traditions of that country. Generally, the electoral system develops in response to perceived political threats to the stability of the society. For this reason Italy, after World War II, developed an electoral

\begin{footnotesize}
\textsuperscript{299} Oliver, \textit{supra} note 12, at 121. For example, in a five-member STV constituency where 100,000 votes were cast, the quota under the Droop Method would be 16,667 votes to be elected. Multiply 16,667 by the number of MPs in that constituency (five) and over 83,000 (or 83\%) of the votes are effective in either the first or later voting rounds. Less than 17\% of the votes do not contribute to the victory of a candidate. \textit{Id}.

\textsuperscript{300} \textit{Id}. at 122.

\textsuperscript{301} \textit{Id}. at 125.

\textsuperscript{302} \textit{Id}.

\textsuperscript{303} \textit{Punnett}, \textit{supra} note 2, at 72. Note that the powers of these local governments in the UK are very limited: they are merely agents of the central government and do not wield independent powers. \textit{Id}. at 179.

\textsuperscript{304} \textit{Joint Liberal/SDP Alliance Commission}, \textit{supra} note 89, at 16-17. For a discussion of theories of representation, see \textit{supra} text accompanying notes 67-75. The aim in drawing boundaries would be to include all persons in an identifiable community into the same constituency. Obviously, this requires constituencies of different sizes. If this community concept created constituencies of vastly different sizes, the degree of proportionality would be altered. Oliver, \textit{supra} note 12, at 123.

\textsuperscript{305} \textit{Joint Liberal/SDP Alliance Commission}, \textit{supra} note 89, at 16.
\end{footnotesize}
Constitutional and Electoral Reform in the U.K.

system believed capable of preventing the reoccurrence of fascism, which in the 1940s appeared to be the greatest threat to its fledgling democracy. As a result, the Italian electoral system provides a parliamentary voice to parties supported by even one percent of the electorate.

Similarly, the British electoral system, with its premium on strong and unified government, is a product of the Norman invasion of the eleventh century, where centralized government was necessary to control a conquered people. The problem in both Italy and the UK is that although the threats to democracy change, the electoral systems these dangers spawned rarely change with them. The greatest threat to democracy in the UK today is the threat of alienation between the government and the people caused by a system that, while serving those in Parliament, does not represent the people.

In several major western European countries, attention is turning to constitutional reform. The political changes caused by the fall of Communism and particularly by the integration of the EEC are forcing European governments to adapt and experiment. France is considering limiting the power of the President and strengthening its Parliament.

Germany is also considering constitutional reforms to prepare for the European Union envisioned by the Maastricht Treaty. Italy is preparing referendums to overhaul its electoral system. These attempts at constitutional reform inspire those Britons who urge the government to consider necessary changes to the UK's outmoded constitution.

The British electoral system needs reform. Although based on sound principles of stability, geographical representation, and individualized contact between MP and constituent, the British electoral system has in many ways betrayed those values. As Lord Hailsham noted:

[T]he system . . . has produced a sort of see-saw motion in policy, a polarization rather than an evolutionary development, and, as [a] result . . . the electorate found themselves . . . caught in the manifesto

306. Montalbaro, supra note 227, at H5.
307. Id.
310. This fear of Communism had been a strong contributor to the Christian Democratic Party's control on Italian government. Italy: People Power, Economist, Oct. 17, 1992, at 59.
312. Davidson, supra note 225, at 34.
313. Id.
314. Montalbaro, supra note 227, at H5.
315. Id.
and mandate trap, which compels them to accept all or nothing in a party's platform.\textsuperscript{316}

Stability in British government is seen by the current system's supporters as the ability to pass the ruling party's electoral manifesto and exercise its own "mandate" for change.\textsuperscript{317} This perception of stability ignores the fact that this "mandate" is not from a majority of the electorate, and any progress made in carrying out this agenda can be undone by a future government with a radically different "mandate."

A PR system would improve the democratic process in the UK. PR would inhibit the internal and external polarization processes dividing the parties. Instead, the parties would gain an incentive to broaden their appeal, since the demise of the "first past the post" system would end the bias toward the two largest parties. Furthermore, a vote for the smaller parties would no longer be wasted. PR is inclusive rather than exclusive; it attempts to broaden the debate which, although inconvenient for the parties currently favored, is the essence of democracy.

Opponents of PR argue that the "high tide" of proportional representation has passed.\textsuperscript{318} They point to Israel and Italy, which are both considering limiting PR to lessen the power of smaller parties.\textsuperscript{319} Such arguments are fallacious because the electoral systems cited are simply examples of systems designed to protect against problems that no longer exist. PR does not by definition require that all extremist parties be given a voice. The UK can avoid this pitfall through a PR system employing minimum popular vote thresholds. In its quest for electoral reform, the UK is free to learn from the mistakes of others.

One form of PR, the List System, has the advantage of proportionality, but at the cost of local representation. Since MPs would be elected by list, there would be no geographic connection between MPs and a definable constituency. Such a system would be difficult in the UK because of the important role the MP plays as intermediary between citizen and the highly centralized national government. Even the German List

\textsuperscript{316} Hailsham, supra note 1, at 59. Hailsham never endorsed PR, but he did see the unchecked power of the House of Commons through the unwritten English constitution as a great threat to Britain. Id.

\textsuperscript{317} See Proportional Representation, supra note 20, at 219 (discussing the importance of a clear mandate that would be diminished by the power wielded by third parties under PR). But see Williams & McLean, supra note 14, at 5 (no stability in system where resources are wasted reversing predecessors' policies).

\textsuperscript{318} 'Back PR' Call to Blair, Brown, supra note 20, at 4.

\textsuperscript{319} Carnegy, supra note 225, at 4. See also Davidson, supra note 225, at 34 (Italy). Even in Japan, some blame PR, as currently devised, for graft in gift-giving by candidates during elections. Rebel Talk, Economist, Jan. 30, 1993, at 32.
System and the Blake Commission proposal do not solve the local representation gap. Under the German system, some MPs are elected regionally and others are chosen from lists. Does this mean that only some German MPs are concerned with constituency problems?\textsuperscript{320} If so, then the job of a German list MP is substantially different than that of a German constituency MP. Such a change in the responsibilities of a British MP is unwise because it would decrease the local affiliation of MPs with their constituents. In addition, the List System concentrates too much power in the national party machinery.\textsuperscript{321}

The STV, while not perfect, is the best system to ensure proportional representation in the UK. The STV system concentrates on individual representation of the voter rather than on the party. By retaining local selection of candidates, the STV does not make MPs more beholden to the national party. Multi-member constituencies, which are necessary for the STV, have previously been used in Great Britain.\textsuperscript{322} A very strong argument in favor of the STV is its successful application in one area of the UK and its use to form the national government in Ireland. In neither part of Ireland has the complexity of the system or the size of the constituencies adversely affected the STV's success.

Under the STV system, local affiliation is preserved by maintaining constituencies, albeit larger in size than current constituencies. Although PR lacks the single member constituencies of the "first past the post" system, under the STV it is more likely that supporters of various parties will gain an MP. This will reduce the polarization of the UK by recognizing the substantial number of voters whose voices are lost under "first past the post." By sacrificing a portion of the Tory Theory of geographical representation, the UK would move toward the universal political involvement advocated by the Radical Theory.

The STV would also provide a more stable government than the present electoral system, if stability is defined more broadly as continuity between succeeding governments. By moderating the ideological elements of the party and increasing diversity, the party manifestos would probably be more moderate as well. As a result, each change of power would no longer require a new party to concentrate the majority of its efforts correcting what it sees as past mistakes and would instead allow it

\textsuperscript{320} See \textit{Proportional Representation}, supra note 20, at 213 (note the Conservative concern that constituency MPs would do most of the work while list MPs would only be concerned with appeasing the national party).

\textsuperscript{321} Passage of legislation requires party unity and discipline. For a survey of the organization and importance of the parties, see \textit{Punnett}, supra note 2, at 73-144.

\textsuperscript{322} For a discussion of university MPs, see \textit{supra} note 98.
more time to confront problems of the present. The tradeoff under the STV system is that coalition government is far more likely. Coalitions, however, do not necessarily lead to instability. As noted previously, Germany has had coalition governments under its List System for many years and over two decades has had only one change of power. The likelihood of unstable coalitions seems to depend more on the culture in question than on the use of PR. In fact, many would argue that the UK, because the same party has been in power since 1979, is in need of the changes that coalitions would bring.

The main hindrance to the British adoption of the STV or any other PR system is the refusal of the main parties to support electoral change. This may change if Labor adopts electoral reform. Having lost four straight elections, and progressively becoming a more moderate party, the Labor Party is reevaluating its opposition to PR. As a party seeking to bring democratic socialism to the UK, the Labor Party was formerly ideologically committed to radical change and would not accept the moderating influence of PR. Now, as the Party becomes more centrist, the ideological argument against PR is no longer as valid. The remaining hesitation is the product of the practical desire of any party to govern on its own.

Although Labor leadership has yet to endorse PR, many within the Party argue that Labor's new battle should be for constitutional and electoral reform. By embracing PR, Labor would capture the constitutional reform banner currently used successfully by the smaller Liberal Democratic Party.

The eventual adoption of a uniform voting system using PR for European elections will also aid the cause of electoral reform. If the UK can successfully use PR for European elections, it will be harder for opponents like the Conservative Party to argue that PR is foreign to Britons. Although electoral reform is most likely to occur as the result of a crisis such as a hung parliament, the chance of a gradual evolution has grown as the issue has gained national attention. This is important since electoral reform is perhaps the most pressing constitutional change needed in the UK. If the political parties in Great Britain are forced to alter their views on PR, it may be the first step toward the greater limits on governmental power advocated by Lord Hailsham. Indeed, the final outcome could be a new constitution, "its terms . . . reduced to writing and defined by law."