

## **28 Days to select your leader: leadership selection in the Scottish Labour Party**

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### **Abstract**

This paper looks at the leadership selection processes of the Scottish Labour Party (SLP) since the death of its first parliamentary leader Donald Dewar. It concludes that the party has not followed the trend found in the major UK political parties towards a more participatory system. Instead it has adopted selection methods which use a fairly exclusive selectorate consisting of the party elite. This group also has considerable influence and control over other aspects of the overall selection process. The paper considers some of the reasons as to why this has been the case and suggests some of the problems associated with failing to open up the selection process to a wider franchise such as the alienation of the grassroots membership.

## Introduction

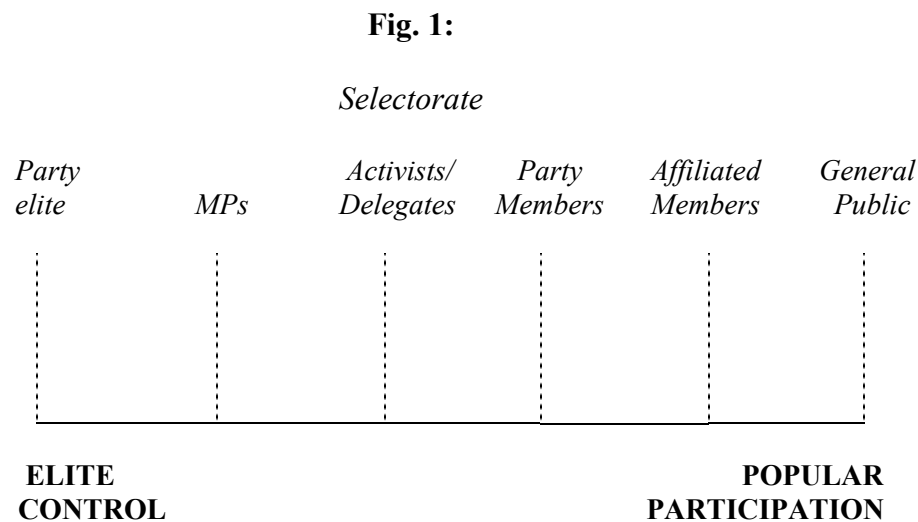
Writing in 1993, Malcolm Punnett concluded that there had been a ‘limited participatory revolution’ within UK political parties in terms of their leadership selection methods (Punnett, 1993:257). He argued elsewhere that the parties had been “reluctant democrats...[whose]...parliamentarians remain firmly in control of key aspects of the leader-selection process in each party” (Punnett, 1992:175). The key aspects he was referring to were the ability to initiate contests and to nominate candidates to go forward for selection. Whilst this remains the case, the system used in the 2001 Conservative leadership contest illustrates that even a party traditionally known for its exclusive selectorates has started to ‘open up’ its leadership selection process. Conservative MPs continue to have the power of nomination and of voting in each of the rounds for their preferred candidate but new rules now stipulate that the final two candidates go before the party membership who select the new leader using a One Member One Vote (OMOV) postal ballot. The ability to nominate candidates undoubtedly gives parliamentarians considerable influence in that they can decide which individuals can be considered for the leadership and perhaps just as important who cannot. Nevertheless, this new system has resulted in more party members having a direct role in the process. Rather than having a selectorate of just 166 (the current number of Conservative MPs), the contest between Iain Duncan Smith and Kenneth Clarke involved over 250,000 people. It is unclear whether this system will be used to select future Tory leaders but it has been a positive development since Punnett’s conclusions in the early nineties.

Inclusiveness has not been a feature of any of the leadership selection processes employed by the main party north of the border, the Scottish Labour Party. Since the death of Donald Dewar, the party has had to select a new leader on two occasions with the ordinary party member having no formal role in these processes. On the one occasion where it looked like they would, a series of events conspired to deprive them of the opportunity to take part in this key intra-party decision-making exercise. Up until now, the selectorate has been fairly exclusive and it would be difficult for Scottish Labour to claim that they were part of the participatory revolution that Punnett talks of.

The structure of the paper will run as follows. It will firstly construct a model on which the selectorates of various leadership selection methods can be measured and this will then be used throughout the paper. It will consider the aims and functions that a leadership process can fulfil other than the most obvious one of providing the party with a new leader and highlight some of the factors that parties must consider when formulating their selection method. I will briefly discuss the issue of leadership in Scottish parties and the effect devolution has had on this area before looking at the selection processes employed by the SLP, specifically those since the death of Donald Dewar. Within this section, the paper will consider the reasons why the party chose their system of selection and why events turned out the way they did. I conclude by looking at some of the possible problems that may arise for the Scottish Labour Party as a direct result of its leadership selection processes.

## Establishing a framework

In order to construct a framework that can allow us to categorise how participatory various leadership selection methods are, I have borrowed two terms that have been used by Punnett to describe the competing pressures within political parties for power over the selection process, ‘elite control’ and ‘popular participation’ (Punnett, 1993:258) and used them as parameters for the model (see Fig.1 below).



Within the framework I have added the four basic methods of selection as outlined by Punnett (1992), selection by party elite, parliamentarians (shortened to MPs), activists (also including delegates) and party members. I have also added the general public/electorate as the most extreme method of popular participation in leadership selection to give an idea of what type of selection method you would find at this end of the scale. Furthermore, I have included another group called ‘affiliated members’ and positioned them between party members and the electorate. The most obvious example of this type of member, and one that is particularly relevant when looking at the Labour Party are trade union members. Whilst these individuals are members of the electorate, they differ in that they pay a political levy as part of their union membership and are linked to the party. That said, they are not necessarily fully paid up members of the Labour Party (although some are) and consequently they are not included in the membership numbers.

This paper will show that between 2000-2001, the Scottish Labour Party’s four leadership processes (both proposed and actual) have shifted within these parallels. However, it will stress that when the selection method tended towards the popular participation parameter, the party members and affiliate members were denied the opportunity to take part in an actual contest. When activists and delegates were given a formal role, it was to endorse a candidate in a one-horse race, something closely resembling leadership selection North Korea style. On the occasions where it actually mattered, the party adopted a system that used a relatively exclusive selectorate.

It will be argued that the party's overall leadership selection process (including the actual selection) has been dominated and tightly controlled – both formally and informally – by the party elite. As well as looking at the composition of the various selectorates, the paper will also consider other important aspects of leadership selection systems - the nominations process and also who has the power to decide which selection method will be used. Michael Marsh argues that leadership selection is one of the most important decisions that a political party will make and that by studying a party's selection process it allows us an insight into the distribution of power within it (Marsh, 1993:229). In this case, it seems apparent that power lies with the Scottish Executive Committee, the party's governing body, its MSPs and other members of the Scottish party elite.

### **Functions and Consequences of Leadership Selection Methods**

Rather than simply being a means to an end, a party's leadership selection process can be an end in itself. As well as providing the party with a leader, selection processes can perform other functions. However, different actors within and outwith a party may have differing ideas about what these functions should be. Furthermore, there will be those who do not view a leadership process as having any purpose other than that of selecting a new leader.

It is nigh on impossible to devise a system that will appeal to all those within the party and outsiders such as the media, academics and the general public. All of the various selection methods have their own advantages and disadvantages and all will have their fair share of supporters and critics. "Given that there is no ideal system, those who are called upon to devise a leader-selection process have to make a number of compromises between desirable but conflicting ends" (Punnett, 1992:13). Examples of some of the factors that may need to be considered are listed below.

- The process needs to include some aspect of internal party democracy
- There is a need for damage limitation and to avoid negative press coverage or publicity
- The system chosen needs to be practical in terms of cost and implementation
- It needs to be achievable within constitutional constraints

The potential for conflict arises due to the fact that there may not be an agreement or a general consensus within parties as to which of these features is considered to be most important. The aforementioned requirements are not necessarily complimentary and one may need to be sacrificed in order to fulfil another. The importance that is attached to each of the four factors may depend on a group or individual's position in the party. Although wary of making generalisations, one can assume that the grassroots member's 'hierarchy of importance' of these features will differ from that of a member of the party elite. For example, an ordinary member may consider the involvement of the wider party in the selection process as being of paramount importance. Also, they may be unconcerned about the practicalities of the process – how long it takes, how much it costs – as long as the system is internally democratic. A protracted, cumbersome and expensive process may be preferred to a quick, simple, inexpensive one especially if the latter has the signs of elite control.

Alternatively, the party elite may have no desire for an open, democratic process especially if this leads to bitter conflict amongst candidates and the wider party. Fearful of what negative coverage could do to their electoral prospects and public perception, the party elite may support a system that minimises the damage that a leadership contest may bring. They may also consider cost to be more important than party democracy. The rising costs of election campaigns and political communications have put increasing pressure on the purse-strings of parties and this goes a long way to explaining the current financial circumstances of the Labour Party and the Conservative Party, both of whom are reported to have considerable debts. Consequently, the elite may prefer a system that does not put further strain on the party finances.

What a group or individual wishes to gain from the process and the purposes they feel it should serve will also influence their preferred choice of selection method and the features they feel it should possess. Last year, John McAllion a Labour MSP argued that the selection process to elect Henry McLeish's successor would give the wider party the opportunity to have a debate on key policy areas such as the involvement of the private sector in the provision of public services. McAllion was essentially arguing that rather than simply being a personality contest, the leadership processes should be a 'contest of ideas' with the candidates having to set down policy programmes and manifestos which could then be debated at hustings meetings throughout the wider party. However, not everyone within the party shared McAllion's enthusiasm for such a contest. Rosemary McKenna MP argued that any intra-party policy debates should take place solely within the confines of the Scottish Policy Forum and were not appropriate during leadership selections (Lesley Riddoch programme, Radio Scotland: 12/11/01). With a Scottish General Election, 18 months away, there were many within the Labour Party who failed to see the attraction in having a potentially divisive debate on contentious issues played out in front of the media and the Scottish electorate which could lead to the party being perceived as factionalised and lacking common objectives. For those who view leadership selection contests as being a key exercise in intra-party democracy, such a debate may be viewed as a positive rather than a negative occurrence as it would allow the wider party an opportunity to engage in a major decision-making activity.

If we refer back to Fig 1, those that view selection processes in this way, will obviously be more supportive of a system that has a basic selection method closer to the popular participation end of the scale and less likely to favour selection by elite or parliamentarians. Alternatively those who want a system to produce a leader quickly and one that minimalises the chances of splits and divisions being exposed will obviously favour greater elite control.

The recent UK Conservatives leadership contest highlighted the potential consequences of pursuing an open leadership process. The new system was more democratic and involved a larger selectorate. However, it was also a far lengthier, more expensive process than the previous system with a campaign lasting several months during which time the splits and divisions within the party over the issue of Europe were exposed yet again. Rather than reporting that the party's processes had become more inclusive and democratic, the media covered the internal conflict and it became one of the key issues on the domestic political agenda. So whilst party members may have been happy with their new role, this new system may not have

been in the best interests of the party as a whole. Indeed, it is questionable whether many of the electorate were aware that the party had changed its selection method and if so, whether they cared. It could be argued that the internal procedures and activities of political parties are matters for the party members not the electorate. However, these activities, or reports of these activities, can alter the electorate's perceptions of political parties and may influence their voting behaviour. For this reason, parties must take into consideration how their system may be reported and perceived. However, as the case of the Scottish Labour Party will illustrate when the party opt for a quick contest that is controlled by the party elite with an exclusive selectorate, the media choose to report the 'control freakery' and lack of internal democracy. In this respect, the parties are in a no-win situation.

### **Constitutional Constraints**

Unlike the other three listed factors, the constraints that a nation's constitution may impose on its parties leadership selection methods (either deliberate or inadvertently) is not regularly discussed and analysed by academics addressing the subject of leadership selection. A possible reason as to why this is the case may be that such limitations simply do not apply in many cases. The lack of uniformity amongst the three main UK parties and the broad range of systems that were used in the past suggest a lack of constitutional influences over these parties' selection methods. In Germany, as Roberts notes, candidate selection is constrained by the Party Law (1965) which specifies a general framework for selection in order to ensure democratic procedures and thus limits "the freedom of political parties to select candidates of their choice" (Roberts, 1999:1). However this case refers to candidate selection as opposed to leadership selection. The most obvious example of constraints on a nation's parties' leadership selection processes is that of the United States. The McGovern-Fraser Commission's recommendations "have had the effect of virtually nationalising Democratic Party nominating rules, ceding the task of nomination to Primary and Caucus electorates" (Bowles, 1993:68-69). It is the rules of the State rather than those of the party that decide who is eligible to take part in the primaries. Bowles concludes "it is a nearly universal principle that the selection of candidates to run under a party label lies with those voters who identify with a party rather than those within a party's (usually weak) organisation" (ibid. 65).

It will become apparent that this clearly does not apply to the Scottish Labour Party who have complete control in deciding the selectorate for any leadership process but they have been confronted with a ruling that has limited its autonomy in pursuing its chosen selection method. Section 46 of the Scotland Act (1998), drafted by Dewar himself, stipulates that when a vacancy in the post of FM arises, the Parliament has 28 days to elect a successor or Parliament is dissolved and fresh elections are held. However unlike Germany and the USA, the *raison d'être* of this piece of legislation (explained in greater detail below) was not to regulate the leadership selection process of the political parties but was concerned with the workings of the Parliament. Nevertheless, it has had a profound effect on Scottish Labour's selection procedures.

### **Leadership and Devolution**

Before looking at the first leadership process faced by the SLP following Donald Dewar's death, it is worth considering the effect devolution has had on party

leadership within the UK. The most obvious observation is that there are now more party leaders. As well as the party leaders at Westminster, there are now leaders in the Scottish Parliament and the Welsh Assembly. Prior to devolution, the question of who within the UK parties was 'the leader' was an easy one to answer according to Punnett (1992:258). Although there had been "some ambiguity about the post of party leader in each of the main parties" (ibid. 258) in the past and despite each having several leadership figures (General Secretaries, Chairmen etc.), the leader was the leader of the parliamentary party. To a large extent this continues to be the case under devolution. However, the introduction of devolved government in Scotland has given each of the Scottish party organisations a parliamentary dimension and a new parliamentary leader. David McLetchie (Cons), Jack McConnell (Lab) and Jim Wallace (Lib Dem) are widely regarded by the media and the electorate as the *de facto* leaders of their respective Scottish parties. However, only Wallace has this formal position within the party. The party literature of both Labour and the Conservatives explicitly states that McConnell and McLetchie are leaders of the parliamentary groups and not of the wider Scottish party. Both of these Scottish parties have had leadership figures within their organisation prior to devolution. The Secretary of State for Scotland (and the Shadow equivalent) were viewed as the *de facto* political leaders of the SLP and the Scottish Conservatives. Labour's Scottish General Secretary and the Conservatives' Scottish Chairman were considered to be the leaders of the party organisation. What all four leadership positions have in common is that the Scottish party organisation had no direct influence in their appointment, all of them were appointed by UK party actors. It will be interesting to note how much autonomy the SLP have in selecting their leader and how much of a role the UK party take in the process both formally and informally. The formal position of the leader also raises the question if McConnell is not the leader of the SLP then who is? Officially, it is the leader of the UK party, Tony Blair (Scotsman, 9/11/01) although in reality, it is much more complicated than this.

### **The anointing of Donald Dewar**

According to the rules of the Labour Party, the UK leader and deputy leader are elected using an electoral college (see Seyd, 1999:402). The college consists of three sections; the parliamentarians, the constituencies and the affiliated members (includes the trade unions). For the purposes of this paper, a system with this type of selectorate will be referred to as a 'full electoral college' and variations of this system have been used to select the party's Welsh leader, the candidate for London mayor and on two occasions, the Scottish leader. In theory, all Labour leaders should be selected using this method. However, how a process works on paper and how it pans out in reality are two different things. The politics of leadership selections can be complex and difficult to conceptualise within a theoretical framework. As well as having a formal process, there may also be an informal process and events within the latter may have a considerable effect on the former.

Donald Dewar was selected as the Scottish Labour Party's first prospective parliamentary leader in September 1998. At that time, Dewar was the Secretary of State for Scotland and widely regarded as the architect of Scottish devolution. In short, he was the natural candidate to lead the party in the first elections for the Parliament and a challenge from another candidate was almost unthinkable. At a specially convened Scottish conference, Dewar was elected uncontested using a full

electoral college (MPs, constituencies and trade unions) with 99.8% of the total vote (Deacon et al, 2001:85). Although the choice facing this selectorate was whether or not to endorse the only candidate, the crucial point about this selection process is that it was the Scottish party that chose its leader. In doing so it “conferred some separate legitimacy on the Scottish Labour leader, and made him appear less the creation of the British party leader” (ibid. 85).

That said, one wonders whether the Scottish party would have been allowed this level of autonomy had Dewar faced a challenge for the leadership, possibly from the left of the party. Dewar was viewed by Blair and many of the UK party elite as being a ‘safe pair of hands’ who was unlikely to implement a policy programme that was radically different from the party south of the border. In the selection processes for the leader of the Welsh Labour Party and Labour’s candidate for London Mayor, there were widespread allegations that Blair and other UK party figures had interfered in the process both formally and informally in order to secure the selection of their preferred candidate. It would have been interesting to see whether the UK party would have been more pro-active in the selection process of the SLP leader had there been a Scottish equivalent of Rhodri Morgan or Ken Livingstone.

### **Dewar’s death and the electing of a successor**

After having to undergo heart surgery in 2000, it was rumoured that Dewar would stand down at the next elections in 2003 and that the party would need to find a new leader. However his sudden death meant that this became a priority far earlier than expected and the party were largely unprepared for it. All things being equal, a full electoral college similar to that which selected Dewar would be convened and a new leader chosen using this system. However, as well as being parliamentary leader of the Scottish Labour Party, Dewar was also First Minister (FM) of the Scottish Parliament, a position which had to be filled within 28 days.

The main purpose of the 28 day rule is not to restrict the leadership selection process of the majority party (or major partner in a coalition). Rather it is to ensure that following an election or a vacancy in post of FM, an administration is formed relatively quickly preventing coalition negotiations dragging on for months and the Parliament being left in limbo with no Executive. George Kerevan points out that the 28 day rule also stops FM’s resigning over trivial issues because of the serious consequences in doing so. (Scotsman, 9/11/01).

Regardless of its intentions, the 28 day rule posed significant problems for the SLP. Of all the previous times the full electoral college has been used by the Labour Party it took, on average, 112 days to complete (Stark, 1996:121). On the Saturday following Dewar’s death, the SEC met and decided that the normal procedure could not be implemented in time to have a candidate in place for the Parliament’s election for FM. The party had two options available to it. The first was to allow Jim Wallace, Deputy First Minister in the Scottish Executive, to be the coalitions nomination and to become FM until the SLP elected a new leader via the full electoral college. The second option – the one chosen by the party – was to use another selection method to elect an interim leader who would become the Executive’s nomination for FM. The interim leader would then be subjected to a full electoral college process at a later date



thus satisfying the party's rules and constitution regarding leadership selection. The system chosen is illustrated in Table 1.

Date:	21 <sup>st</sup> October 2000	
System:	Mini Electoral College	
Selectorate:	MSPs and members of Scottish Executive Committee (combined selectorate of 81)	
Result:		
McLeish:	44	(55%)
McConnell:	36	(45%)

Officially, the SEC was responsible for making the decision to use a mini electoral college to select an interim leader. Therefore, formally speaking, it had been a Scottish party actor that had the power to decide what system would be used. However, political commentators and prominent figures within the SLP concluded that the decision had been taken by Lesley Quinn – the General Secretary of the SLP who is appointed by the UK party – along with “senior Labour figures” (Sunday Herald, 15/10/00, Personal Interviews). These ‘senior figures’ are said to have included individuals from both the Scottish party but also the UK party. Although these accounts are impossible to corroborate, they suggest that individuals outwith the formal structure of the SLP were influential in this decision and this raises questions about the Scottish party's autonomy.

Although a system had been devised, when the SEC met on the Saturday it was still uncertain whether or not there would be an actual contest. Potential contenders were remaining tight-lipped – at least in public – out of respect for Dewar whose funeral was held the following Wednesday. However, there have been allegations that individuals from the UK party were pulling strings behind the scenes at this time to have McLeish ‘anointed’, with pressure being applied to the other contender Jack McConnell to stand aside and allow McLeish a free run. One journalist close to McConnell has argued that for the sake of party unity McConnell had intended not to contest the leadership but when various individuals started to spin against him, he quickly changed his mind (Personal Interview).

Unlike the selections for the Welsh Labour Party, where Blair had been accused of control freakery, exerting influence over the process, this time the finger was being pointed at Gordon Brown. It has been argued that Brown treats the Scottish party as his own private fiefdom – with Blair's blessing - despite having no formal position beyond that of an MP in a Scottish constituency (see Rawnsley, 2001:ch13; Scotsman

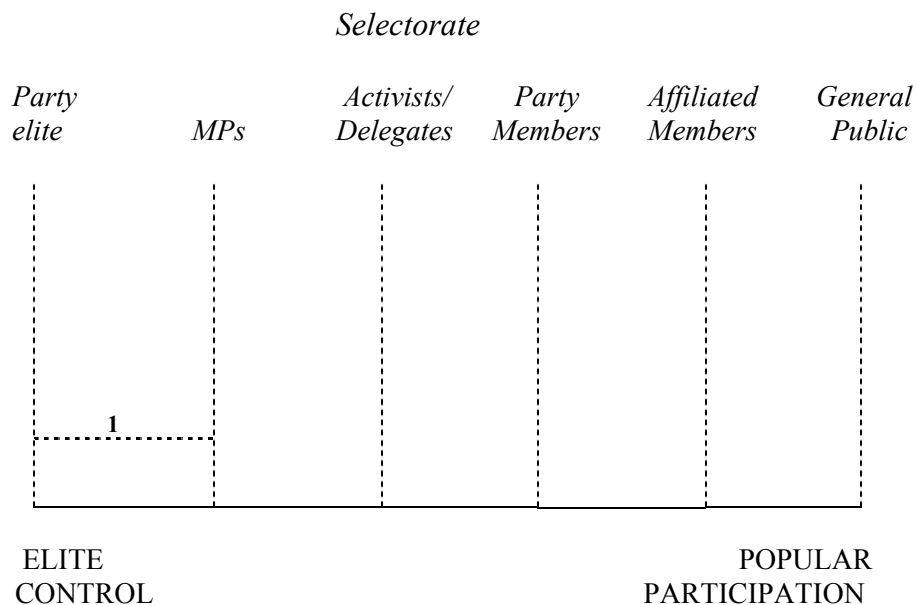
9/11/01). Apparently Blair had actually wanted a contest, as he was aware of damage that selections in Wales had done to the party’s image.

Despite the alleged pressure not to contest the leadership, McConnell chose to stand and a contest under the mini electoral college took place just three days after Dewar’s funeral, leaving only two full days for a public campaign. At a meeting at Stirling Council Chambers, 80 of the 81 eligible voters met to select Scottish Labour’s new parliamentary leader and in doing so, decided who would be the new First Minister of the Scottish Parliament. The closeness of the result (see Table 1) surprised many observers and whilst a breakdown of votes for each candidate is not available, it is thought that McLeish was able to secure the support of the party’s Ministers in the Scottish Executive and a large proportion of the SEC. On the other hand, it appeared that a majority of the backbench MSPs had voted for McConnell.

The mini electoral college system allowed the party to have a candidate in place for the Parliament’s election for FM well within the 28 day limit and with the support of the Lib Dem MSPs, Henry McLeish became First Minister. It was also successful in that the process was inexpensive and relatively easy to organise and administer. Also, although the party did receive some criticism from the press regarding the alleged interference and influence from Brown and others, the process - from the candidates announcing their intention to stand to the actual vote - was completed almost as soon as it had started and negative coverage was kept to a minimum.

However, the mini college could hardly be considered to be an internally democratic and inclusive selection method. Using the model established earlier (Fig 1), the selectorate for the mini-college system is represented by point 1 on Fig 2 below.

**Fig 2:**



In this particular instance, the level of popular participation is low. Only 80 individuals, all from the upper echelons of the party hierarchy, were empowered with the responsibility of selecting the new leader, a very exclusive selectorate and minuscule compared to the proposed process of 2001 discussed later in this paper.

However, there was very little criticism of the mini college system by the grassroots members for obvious reasons. The party had just lost its leader and many were still mourning Dewar's passing. The issue of how the party would select his successor was of secondary importance. That said, there seemed to be a general agreement within the party that it was facing special, unforeseen circumstances that called for emergency procedures and solutions hence an acceptance of the mini college system. Furthermore, as this method was only to be used to select an interim leader, the wider party would get the opportunity to select the permanent parliamentary leader at a later date. The media however, were not as sympathetic to the party's predicament. The Herald editorial the day before the vote read 'No way to choose a leader, Public interest sacrificed to party convenience'. It argued that the system lacked any time for scrutiny or debate and that the winner would only need to impress 81 people to become party leader and also FM (Herald, 20/10/00).

### **The Full Electoral College – a sense of déjà vu?**

After McLeish was elected First Minister, the party began to prepare for the full electoral college. As the incumbent, it was thought that McLeish would be the clear favourite in any future ballot. However, as one MSP argued "being interim leader is very much a double-edged sword. He [McLeish] would be judged on his performance at every First Minister's Question Time, press statement, or intervention. He would not be home and dry" (Herald, 13/10/00). As events unfolded, it became clear that McLeish was home and dry as, in the end, he faced the full electoral college uncontested.

The main reason for this was the decision of McConnell not to force McLeish into a second contest. However, this decision was made before and not after the initial ballot for interim leader. Both candidates had publicly declared that they accepted the mini college system, agreed to abide by the result it produced and would not pursue their challenge further under the full college. In doing so, this effectively denied constituencies and the trade unions the opportunity to take part in a contest and choose between the two candidates that had contested the first ballot. It was widely reported that both had been approached by members of the Scottish party elite and advised to make such a statement. McConnell's decision not to stand makes sense. The full college was scheduled to take place close to two potentially troublesome by-elections where it was expected that the SNP would make sizeable in-roads into Labour's majorities. Scottish Labour's campaign would not have been helped by having the media spotlight focusing on a potentially damaging leadership selection contest. The individual responsible for forcing the SLP into such a contest is unlikely to have enhanced his reputation within the party and this must have been taken into consideration. Rather than having a system that is designed to limit the damage a contest can inflict on the party, in this case it was the actions of one of the participants that was responsible.

With McConnell ruling himself out of the running, although any MSP could theoretically stand, the only other realistic challenge could come from the left. McAllion and Elaine Smith MSP wanted to nominate a candidate from the left so that the full college would have a choice of candidates rather than simply deciding whether or not to endorse McLeish. At a meeting of MSPs belonging to the Campaign for Socialism (CfS) – an internal left wing pressure group within the SLP – this issue was discussed but was only supported by McAllion and Smith and no CfS candidate was nominated. It has been alleged that the reason for this decision was part of a pre-arranged, informal deal. If the left did not challenge McLeish, the party would give a left wing candidate, Cathy Jamieson, a free run at the newly created post of Deputy Leader. McLeish would endorse Jamieson's candidacy and the party elite would persuade other interested candidates, Jackie Baillie and Susan Deacon, not to stand. As Table 2 illustrates Jamieson did indeed stand uncontested along with McLeish at the full electoral college.

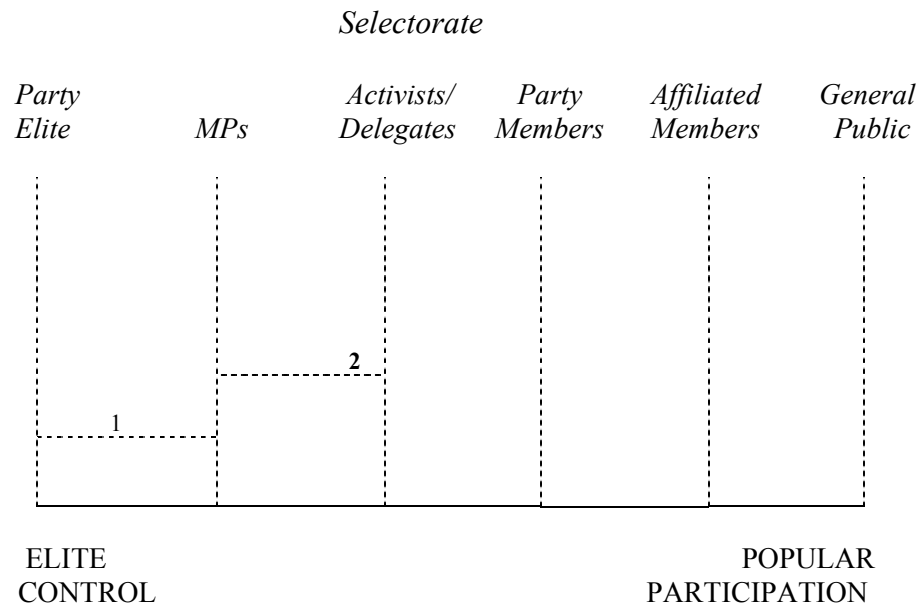
<b>Table Two: The election of McLeish</b>	
Date:	9 <sup>th</sup> December 2000
System:	Full Electoral College
Selectorate:	Constituency delegates, Trade Union officials, MPs and MSPs
Result:	
McLeish:	elected unopposed (99.2%) (Jamieson elected unopposed as Deputy Leader at same meeting)

On this occasion, the only constitution that the full electoral college system had to satisfy was that of the Scottish Labour Party and it did so. There is nothing within the rules that stipulates a minimum number of contestants. Also, despite being labelled as bureaucratic and cumbersome (Herald, 16/10/00), the party defied Stark's research and the whole process was implemented from start to finish within six weeks. Normally a party's leadership selection process attracts the same, if not greater, level of media coverage that it experiences during its party conference. The Conservative leadership contest of 2001 became one of the major issues on the domestic political agenda. However, the lack of a contest meant that McLeish's selection as the permanent parliamentary leader was relegated to the middle pages of the broadsheets with minimal coverage. The story was also far from the top of the news agenda on radio and television bulletins. However, the party did not emerge from the process unscathed with some of the broadsheets looking into the allegations of stitch-ups and deal making.

Whilst the full electoral college is clearly more participatory than the mini college (see Fig 3), this system did not satisfy the needs of many within the constituencies and the affiliated members who wanted the delegates to take part in a contest rather than something resembling a coronation. The Full College allowed McLeish to claim the endorsement of the wider party not just the elite and the parliamentarians. However, this was a fairly empty gesture for delegates and although Fig 3 implies a movement

towards a more inclusive selectorate the fact that there was no actual contest must be taken into consideration when evaluating the democratic credentials of this process.

**Fig 3:**



What is also potentially problematic is the informal deals and behind the scenes politicking which many party members argued have served to undermine and tarnish the full electoral college system. It is not the legitimacy of the formal process that is being questioned here but the informal activities that run alongside it. It should be made clear that one is not naïve enough to suggest that such politicking is exclusive to the Scottish Labour Party and it can doubtless be found in parties around the world. Nevertheless, if sources are to be believed then sections of the party elite went to great lengths to ensure that McLeish was elected unopposed.

### **A “muddle not a fiddle” still equals trouble**

It was widely thought that after the full college ballot business would return to normal and that McLeish would lead the party into the 2003 Scottish General Election. However, the row over McLeish’s failure to declare the full extent of the sub-lets on his constituency office whilst serving as an MP (known as ‘Officegate’) led to his resignation as FM and as SLP parliamentary leader. Consequently the party were faced with the prospect of conducting yet another leadership selection process less than a year since the full electoral college ballot. Yet again the party was confronted with the 28 day rule and the restrictions that come with it and although the personnel on the SEC had hardly changed significantly since October 2000, their outlook on the party’s leadership selection process certainly had. They now believed that a full electoral college *could* be implemented within 28 days. Furthermore, the version of the full college used would be even more advanced than the one that was ruled out just over a year earlier. Table 3 gives a brief overview of the chosen system, whilst table 4 provides a more detailed plan as to how the party proposed to implement it.

**Table 3: Proposed System for electing McLeish's successor**

Date:	November 8 <sup>th</sup> -December 6 <sup>th</sup> 2001
System:	Full Electoral College
Selectorate:	ALL party members and trade union affiliate members (postal ballot), MPs, MSPs and MEPs

Candidates needed for system to be implemented: 2

Nominations required for candidate to be considered: 7 (MSPs)

**Table 4: Timeline for Full Electoral College 2001**

(Source: <http://politics.guardian.co.uk>)

Thursday November 8:	Party membership list 'frozen' for purposes of leadership election.
Monday November 12:	Nominations Open.
Tuesday November 13:	Nominations Close at 5pm. Lesley Quinn the Scottish Labour Party's General Secretary will declare which candidates will take part in the contest. From this point, hustings can take place. There will be three official hustings meetings.
Monday November 19:	Ballot papers are sent out. This involves the distribution of 412,000 ballot papers. (McKenna pointed out that ballots could be cast via telephone and internet as well as returned in post)
Monday December 3:	Ballot closes at 5pm. This is also deadline for party to receive any complaints about ballot procedure.
Wednesday December 5:	The result is announced and the winner declared as leader of the Scottish Labour Party parliamentary group
Thursday December 6:	New leader is nominated as the coalition's candidate for First Minister and with majority support will be elected by the Parliament as the new First Minister

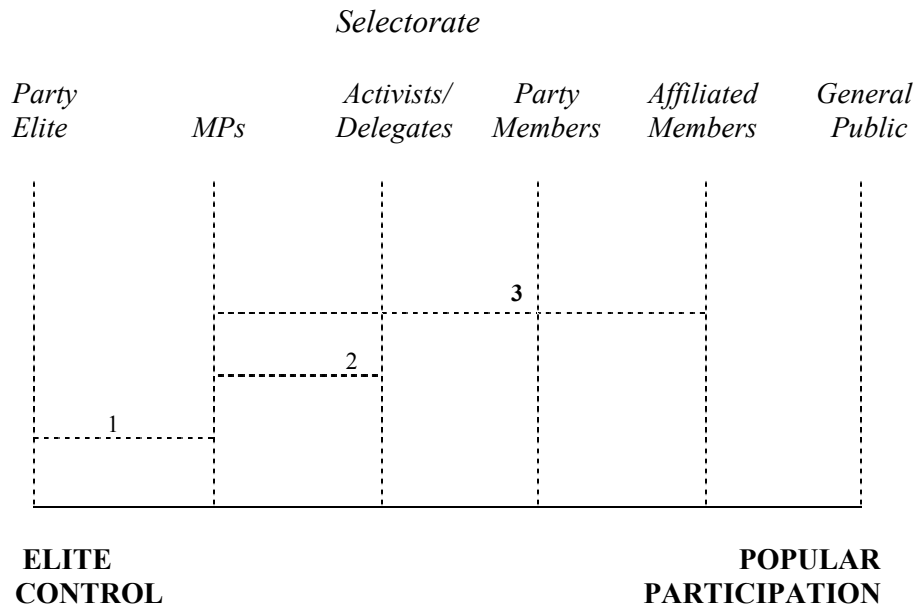
There are two main points to be made about this system. The first is that it was decided upon and devised by the SEC and therefore it can be argued that the SLP had considerable autonomy in making this important decision. That said, Quinn, who is responsible for organisational matters within the SLP, would probably also have been involved in this decision and in the drafting of the timetable. The position of General Secretary carries dual loyalties. On the one hand, they have a role within the Scottish party not the UK party but on the other hand, he/she is hired (and fired) by UK actors and therefore may be influenced by these individuals. Although it is difficult to measure the amount of influence that the UK party may have had in this decision, it is certainly plausible that they could have had some.

The second point to be made is that this model of the full electoral college seemed to satisfy many groups and individuals both within and outwith the party. Political commentators and academics such as Gerry Hassan and Dr. Peter Lynch, both of whom had been critical of past processes, were enthusiastic about the prospects of a contest under this system (Lesley Riddoch programme, Radio Scotland: 8/11/01; 12/11/01).

Many of the needs within the party were going to be met as a result of this version of the full college. There was going to be a policy debate with manifestos and hustings just as McAllion et al, had wanted the previous year. Also it generally satisfied those who wanted the process to be an exercise in intra-party democracy as this was one of the most democratic versions of the full college. Not every vote would be weighted equally but all party members and affiliated members would get one. Furthermore, there would be no block vote which in some cases can see the trade union delegate casting thousands of votes on other people's behalf without consultation. Bizarrely, under this system members of other political parties who also pay a political levy as part of their union membership would have a say in deciding who would be the next parliamentary leader of the Scottish Labour Party.

Even the most cynical members of the Scottish press pack found it hard to label it a stitched up process as they had done previously. The criticism that the party's past processes had received from the media and others may have been one of the key factors behind the SEC's U-turn. The intention to use this version of the full college may have been an attempt to prevent further damage to the party's image and to reverse the growing perception of control freakery (a UK General Election in 2001 was looming!). The only part that the media were sceptical about was whether or not the proposed system could be implemented within the time frame and according to plan. As it turned out, they, along with all other interested observers, were never given the opportunity to find out.

Had this system been implemented, it would have involved a potential electorate greater than that of the Conservative contest in 2001 with nearly 400,000 people being eligible to take part. As Fig 4 illustrates, this version of the full college would have been more inclusive and participatory than the ones used to select both Dewar and McLeish.

**Fig 4:**

Although grassroots members would be given a formal role in proceedings, there were some that expressed concern regarding the party's apparent lack of general rules regarding leadership selection. First they had been told that the normal rules could not be applied, then a year later it was announced that they could. Not only that, the party could implement an even more advanced system than the one they had rejected in the first place. The SLP have clearly employed a flexible approach to leadership selections, which has had its advantages and disadvantages. However, it has led to accusations such as those made by Hassan, that whilst the Scottish Labour Party claims to have a rulebook, it essentially makes the rules up as it goes along (Lesley Riddoch programme, Radio Scotland: 8/11/01). Indeed the rule quoted to justify this usage of the first mini college was actually a hastily modified rule of the UK party rather than that of the SLP.

The only major disadvantage to the party of pursuing such a system is its practicality. It would have been by no means an easy system to implement and would have required considerable resources in order to distribute and process the ballot papers. It is also fraught with potential problems namely voting via phone and internet is susceptible to abuse and if any complaints made against the system are upheld, the party would have very little time to investigate/rectify them and still make the 28 day deadline. The SEC may have thought that these were risks worth taking especially if it stopped the negative press coverage and if it had worked as planned, it would have produced a leader far quicker than previous electoral colleges and more importantly, within the constitutional constraints of the Scotland Act.

### **Contest? What Contest?**

Practicalities aside, this system seemed to have everything...apart from enough participants to force an actual contest and there was two reasons for this. Firstly, Wendy Alexander, a high profile minister, decided not to stand. There have been a



plethora of reasons and theories offered as to why this was the case. The official reason given was that Alexander simply did not consider herself ready to become leader but others have claimed that after her campaign team gauged her popularity at a party policy forum, they concluded that she did not have sufficient support within the wider party to win (Personal Interview). Other explanations have ranged from Alexander wanting to start a family to her preference to remain as a Minister and work as a policy formulator. Whatever the reason(s), her decision not to stand effectively handed the jobs of party leader and FM to McConnell.

The second reason for the no-contest was the inability from the two candidates from the left McAllion and the more moderate Malcolm Chisholm to attract sufficient support from MSPs to allow them to stand. Under this version of the full college, it was predicted that whilst both could pick up sizeable shares of the trade union and party member vote they would not have any real chance of winning. Neither individual was given the opportunity to find out. McAllion could only secure one other nomination, Smith whilst Chisholm could only count on 2 colleagues. Even if these MSPs had united behind a single left candidate, they would still be two nominations short. At first glance, the inability of the left to even nominate a candidate is quite puzzling. More than seven MSPs claim to be members of the CfS and so in theory there should be no problem in securing the necessary nominations. However, despite many members of the wider CfS group wanting to see a left-wing candidate take part, the majority of CfS MSPs did not agree and actually nominated for McConnell – who has been credited with being instrumental in ousting the left from the SEC in 1997.

### **The Nomination Rule – a bridge too far?**

The rule that any individual interested in entering the leadership contest needed to be nominated by 7 MSPs (including themselves) proved to be a key factor in not only determining that there would not be a contest but also in leading to a new selection system being implemented. The ruling itself seems both sensible and fair. In all UK party leadership selections, it is the parliamentarians that have the power to nominate and all potential candidates need to securing a certain number of nominations. It makes sense that if an individual wants to be leader of a parliamentary group that he or she has the backing of their colleagues. It also seems quite fair that, in the case of SLP, a candidate needed the support of just 12% of the group. This does not seem to be an unfair target.

One of the main problems with the nomination rule in the SLP is that there is no maximum number of nominations that a candidate can receive. Although McConnell was elected unopposed, there was a contest of sorts - a contest for nominations and this was conducted behind the scenes with campaign teams and the candidates themselves contacting MSPs trying to secure their support. It was a contest that McConnell won convincingly, receiving 33 nominations (he did not nominate himself). That left the other prospective candidates with 21 potential nominees although some of those could be ruled out as they had already expressed their support for Alexander. Whilst securing 7 out of 55 seems relatively straightforward, 7 out of 14 becomes much harder as McAllion and Chisholm discovered.

Another problem was that when Alexander withdrew, McConnell became the red-hot favourite. As Lesley Riddoch correctly pointed out, to nominate another challenger, even if it was in order to ensure a contest, would effectively put a blot on their copy book with the new leader and be detrimental to their chances of career advancement in his administration. It is plausible that many of those who nominated McConnell were using the nomination process to publicly register an early indication of their loyalty and support to the leader in waiting and it would be naïve to assume that in some cases, this act was not carried out with career enhancement in mind. This view is supported by former SLP treasurer Bob Thomson who argues “the failure of other contenders to get the seven minimum nominations shows that most Labour MSPs are more interested in their own job security and promotion than giving a say to the party members who helped to get them elected” (Scotsman 16/11/01).

When this type of behaviour occurs it undermines the point of the nomination process. As one Glasgow councillor observed, the MSPs assume the role of ‘gatekeepers’ (Lesley Riddoch programme, Radio Scotland: 12/11/01). Not only can the MSPs decide who can go forward for consideration by the wider party, they can effectively decide how many individuals make it through to the next stage. They may feel it is not their duty to provide for an actual contest, but when they deprive the rest of the party the opportunity of a choice of candidates, the fairness of this rule and the democratic merits of the system can be called into question. For all the criticisms levelled at the Labour selection processes in Wales and London at least the selectorate were given more than one candidate to vote for.

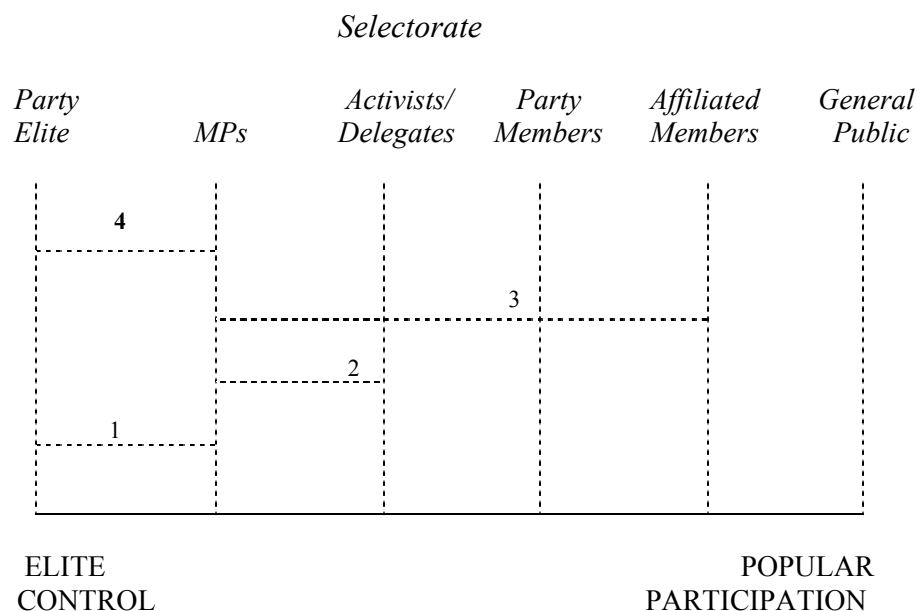
I believe that there are sufficient grounds for arguing for a change in the SLP’s nomination process. One possibility is to continue to give the MSPs a monopoly over the nominations but to make it a secret process. In doing so, it would allow MSPs to nominate an individual without the fear of being isolated in the new administration should their chosen candidate not become leader. Had this system been in place on this occasion, more MSPs may have been prepared to back either McAllion or Chisholm. One other suggestion would be to impose a cap on the maximum nominations a candidate can receive thus making it easier for others to secure the necessary quota. However, this is problematic as unless nominating becomes mandatory, MSPs could simply abstain from the nomination process. Even if nominations become secret, it does not absolutely guarantee that there would be a contest but it certainly increases the likelihood of it. Another option would be to ‘open up’ the nomination process to the wider party and give MSPs more than one route to entry into the leadership contest. One possibility could be allowing Constituency Labour Party’s (CLP) the opportunity to nominate a candidate, following a ballot of local members. If an individual secures a certain number of CLP nominations then they are admitted into the contest. Whether the SLP makes any changes to its rules regarding nominations for future leadership contests remains to be seen.

### **Out with new, in with the old**

When McConnell was declared as being the only candidate to have received the required number of nominations, Quinn announced that proposals to use the full electoral college would be scrapped and that the mini electoral college used in McLeish vs. McConnell contest would be reintroduced (see Table 5 and Fig 5).

<b>Table 5: The election of McConnell</b>	
Date:	November 17 <sup>th</sup> 2001
System:	Mini Electoral College
Selectorate:	MSPs and members of SEC (a combined potential selectorate of 84)
Result:	
McConnell:	elected unopposed (97.23%)

**Fig 5:**



However, there were differences between this mini-college and the first. The potential selectorate was slightly greater than when it was used in 2000 although it still only involved 84 members (of which at least six did not attend) compared to the 400,000 promised under the proposed system. More importantly however, the status of the mini-college ballot had changed significantly. When first used, it was made clear that this system could only be used to elect an interim leader until such times as the full college could be implemented in order to satisfy the party rules. However, the party elite had a change of heart and decided that this system with its exclusive selectorate could be used to elect a permanent leader. Provided McConnell received more than 50% of the votes, he would become the new leader and unlike his two predecessors, would avoid an affirmative ballot under the full electoral college. In making this decision the party elite effectively by-passed and dismissed one of its most important rules regarding leadership selection. This point was not lost on Thomson, now a high profile grassroots member, who argued that even though McConnell faced no challengers, he should still go through the same procedure as past leaders. For

Thomson, giving the party members and affiliate members a chance to endorse McConnell in an affirmative ballot would be better than giving them no role at all. He goes on to argue that this episode has only led to further disillusionment of an already demoralised grassroots membership (Scotsman, 16/11/01). The problem with the mini college is that it excludes large swathes of the party and whilst it may provide a leader quickly and easily it is far from being an inclusive participatory system. Refusing to hold an affirmative ballot under the proposed full electoral college could be justified in terms of the resources needed to administer what is essentially a no-contest. However, by not even holding a meeting of delegates from the wider party similar to that which endorsed Dewar and McLeish, the party leaves itself wide open to criticism. Not only is it preventing its members the opportunity to take part in a key decision making process, it gives the impression that it is disregarding its own rules. Some of the potential consequences of by-passing the membership will be discussed in the conclusion.

## **Conclusion**

Thus far, the leadership selection processes of the Scottish Labour Party have done little to restore the reputation of the wider Labour Party following the controversial selections of Welsh leader and the candidate for London Mayor. The party's processes have attracted their fair share of attention and criticism and have tended to involve exclusive selectorates comprised of the party elite – the SEC and the MSPs. When the wider party have been involved in the process, it has been to endorse a candidate already nominated or chosen by the elite. The main justification for using such systems has been the supposed constitutional constraints imposed by the 28 day rule in the Scotland Act.

However, by proposing the selection method as outlined in Table 4, the party have effectively dismissed the 28 day ruling as being a serious constraint on its ability to implement the full electoral college in future leadership selections. They have set a precedent and established a benchmark system that the party will be under pressure to use to elect McConnell's successor. Of course when the time comes to do so, the Scottish Labour Party may well find themselves in opposition following an electoral defeat in which case the 28 day ruling would not apply and the party would have more time to implement its selection process.

Hopefully, this paper will have illustrated that each selection is quite distinct with its own unique set of circumstances and this will undoubtedly be the case when the SLP are faced with selecting its next leader. Next time, there could well be a contest. Alexander may decide she is ready to stand. Angus Mackay, a former Finance Minister or other high profile MSPs who were touted to compete against McConnell may choose to enter the race. Even some of the backbenchers and those who are relatively new to parliamentary politics may now decide they are now experienced enough to mount a challenge or to use the contest to enhance their reputations within the party.

What does seem certain, is that even if there is a contest, the choice faced by the 400,000 strong selectorate could be the equivalent of choosing between a blue penguin biscuit and a green penguin biscuit – the same product, only different

packaging. For unless there is a change in the rules regarding nominations, it is going to be very difficult indeed for a left-wing candidate to stand.

Is this problematic? McConnell is perceived as a leader with a New Labour modernising agenda who is currently pursuing policies such as the Private Finance Initiative (PFI) and Public Private Partnerships (PPP) in the provision of public services and Housing Stock Transfers which effectively brings an end to Council Housing. These are issues, especially PFI/PPP that have considerable opposition with the grassroots membership and also in the Trade Union movement. Members have expressed anger and disappointment at the fact that they were not allowed to discuss PFI/PPP at Health and Education Policy Forums – the platform used to formulate party policy.

Not only has the ordinary party member been denied the opportunity to play a formal role in the leadership selection process, they have also been denied the opportunity to vote for a candidate with an alternative agenda to policies such as PFI/PPP because the MSPs refused to nominate a candidate from the left. If party members feel that there are being by-passed at leadership elections and are excluded from voting for their chosen leader and policy programme, then the membership figures for the SLP may could continue to fall and its finances would suffer as a result.

The Scottish National Party and the Scottish Socialist Party whilst still in its infancy, both provide a natural refuge for disillusioned Labour Party members, many of whom have already made the switch. At the recent Scottish Labour conference, the UK party Chairman used it as a platform to kickstart the campaign for a new membership drive. At a time when spiralling election costs and a lack of state funding make it crucial for parties to raise funds through donations and membership fees, increasing the number of party members takes on an added importance. However, unless the Scottish Labour Party takes steps to allow their members a greater role in a key area such as leadership selection, the party may have difficulty hanging on to the members it has let alone finding new ones.

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