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**From the Wembley Conference to the ‘McDonnell Amendment’:  
Labour’s Leadership Nomination Rules**

**Abstract**

A recent change to the Labour Party’s nomination rules for leadership elections was the eighth such major modification of this brief clause in the party’s rule book since 1981. These changes have provided a barometer of factional conflict over this period and indicate the importance of gate-keeping powers in leadership selection. This paper recounts the history of these eight rule changes. It shows how the proportion of Labour MPs (and later MEPs) required to nominate candidates in leadership elections has oscillated markedly, as the left has tried to reduce it while centrists have sought to increase it. The most recent change in 2017, when the threshold was decreased to 10% of Labour MPs and MEPs, was a victory for the left. The paper argues that the changes to Labour’s nomination rules, while lower-key than the extension of voting rights from MPs to ordinary members, have been just as significant.

**Keywords**

Labour Party; leadership elections; nomination rules; Jeremy Corbyn; electoral college; one member-one vote

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## **Introduction**

At the Labour Party conference of 2017, delegates voted to support a rule change recommended by the party's National Executive Committee (NEC) that reduced the nomination threshold for candidates in leadership elections. Previously, candidates contesting the leadership when the post was vacant, such as after the resignation or death of the previous leader, were required to collect nominations from 15% of the combined membership of the Parliamentary Labour Party (PLP), i.e. Labour MPs, and the European Parliamentary Labour Party (EPLP), consisting of the party's MEPs. There followed a campaign by left-wing supporters of the incumbent leader, Jeremy Corbyn, to reduce this threshold to 5%. The NEC agreed to look at the rules and eventually settled on a compromise of 10%, which the conference endorsed. It came just three years after the 15% threshold itself had been introduced as part of a wide-ranging reform of Labour's leadership-selection rules with a shift to one-member-one-vote (OMOV).

The latest change to Labour's leadership nomination rules was the eighth major amendment to have been implemented since the formation of the old electoral college in 1981. Generally, parties change their internal structures only when there is a pressing reason and so the frequency and multiplicity of changes to one short clause of Labour's rule book is testament to the enormous importance of gate-keeping powers. Indeed, they can be as significant as the allocation of voting rights in influencing internal power relations. This article considers the effect of nomination rules in leadership selection by way of an overview of the long battle over Labour's nomination threshold.

## **Leadership Selection and Gate-keeping Powers**

Until Labour's change to its nomination rules in 2017, two general trends in leadership-selection rules had been evident in the major British parties. First, voting rights were extended, with Labour, the Conservatives and the Liberal Democrats each adopting various forms of all-member ballots.

Labour MPs lost their exclusive right to choose the party leader in 1981, when a tripartite electoral college was created, splitting voting rights between MPs, constituency parties and affiliated organisations, mainly trade unions. The electoral college was in turn replaced by OMOV in 2014. The Liberals had already moved to OMOV in 1976 and their successor party, the Liberal Democrats, have used OMOV since the party's formation in 1988. The Conservatives used parliamentary ballots until 1998, when they adopted a hybrid system whereby MPs would vote in a series of eliminative ballots to produce two candidates, from which individual members would choose the leader.<sup>1</sup>

The second general trend had been the tightening of MPs' gate-keeping powers in leadership contests. Labour's nomination threshold was increased from an initially low level of 5% to 20% in 1988. The Liberal Democrats originally required a leadership candidate to be nominated by just two of the party's MPs but in 2005, that was increased to 10% of MPs, at a time when the parliamentary party was 62-strong. The Conservatives' nomination rules were more permissive, with candidates requiring just a proposer and seconder, but the parliamentary ballots in the post-1998 system effectively function as an alternative gate-keeping control.

The effect of the second trend was to counterbalance the redistribution of intra-party power inherent in OMOV. The traditional argument in favour of MPs choosing party leaders had always been that they were the people who knew the candidates best and would have to work with the leader on a daily basis. Furthermore, parliamentary business is dominated by the party system, including the organisation of (shadow) cabinets. Leaders must be able to rely on the allegiance of most of their MPs otherwise they will struggle to get their decisions accepted, let alone implemented. That is especially true in government, but it also applies to opposition parties. Nevertheless, these arguments, based on everyday practicalities, could not withstand the demand for the extension of voting rights to members. Strengthening MPs' gate-keeping powers was a way

of reconciling the two perspectives. The members could have the final say over who the leader would be, but they would choose from a menu drawn up by the MPs.

Gate-keeping powers also offer incumbent leaders some security of tenure. If a large proportion of MPs need to be mobilised for a challenge, it could deter potential challengers who doubted their ability to secure enough nominations. That was one factor that saved Gordon Brown from a direct challenge in 2008 and 2009, when the nomination threshold was 20% of MPs.<sup>2</sup> Conversely, low nomination thresholds played a crucial role in the removal of Margaret Thatcher in 1990. At the time, only Conservative MPs voted in the party's leadership contests, in which candidates required just two nominations. Thatcher was challenged by a backbench MP, Anthony Meyer, in 1989 and although she won the contest easily, one-sixth of her MPs withheld their support from her. That paved the way for a more serious challenge by Michael Heseltine a year later, resulting in Thatcher's resignation.

Nomination rules affect actors' incentives. They can make it easier or harder for potential candidates to challenge sitting leaders. They can increase or decrease a leader's security of tenure, which in turn may affect how closely he/she accommodates the views of MPs. They can impact on the balance of power between parliamentary and extra-parliamentary parties. They can also play a decisive role in factional conflict. The following section recounts the eight major changes to Labour's nomination rules since 1981 and demonstrates how all of these considerations were important.

### **Eight Changes to Labour's Nomination Rules**

#### *1. The electoral college and the 5% threshold (1981)*

Until 1980, Labour MPs elected their own leader, with no formal input from the extra-parliamentary party. The party's constitution contained only a brief statement: 'The Leader of the Party shall be

elected and/or re-elected from amongst the members of the Parliamentary Labour Party under the procedures set out in the Standing Orders of the Parliamentary Labour Party for the election of its officers.' (*Labour Party Constitution and Standing Orders*, 1980, Clause 6.2) The PLP's standing orders made provisions for eliminative ballots and basic nomination rules, which required each candidate to be nominated by two fellow MPs.

A left-wing campaign in the 1970s and early-1980s demanded the extension of voting rights in leadership elections to trade unionists and constituency Labour parties (CLPs). This campaign was eventually won after Labour returned to opposition and a special conference at Wembley in 1981 agreed to the formation of an electoral college, splitting votes between MPs (30%), CLPs (30%) and affiliates, primarily trade unions (40%).

Amid intense conflict over the division of votes, the imposition of a higher nomination threshold was largely uncontroversial. The standing orders now specified that each candidate had to be nominated by 5% of Labour MPs, otherwise their nomination would be null and void. As the PLP was losing its exclusive right to select the leader, nomination rules were tightened by way of compensation. However, given the strength of the left at the time, there was little doubt that a left-wing candidate could pass the threshold. When Tony Benn challenged Denis Healey for the deputy leadership that same year (the same rules applied to the deputy post), he easily surmounted the 5% hurdle.<sup>3</sup>

## 2. *The 20% threshold (1988)*

A substantial change to the nomination rules came in 1988 and followed Benn's challenge to the incumbent leader, Neil Kinnock. Labour was decisively defeated in the 1987 general election but despite that, there appeared little appetite in the party for a change of leader with the aim instead being to continue the process of modernisation. The radical left was now a diminished force but

some of its members began considering a leadership challenge as a way of wresting back control of the party. Benn eventually declared that he would run for the leadership, in alliance with Eric Heffer, who would challenge Roy Hattersley for the deputy leadership. John Prescott, a soft-left shadow-cabinet member, also challenged Hattersley.

As expected, Kinnock won easily, taking 89% of votes in the electoral college to Benn's 11%. Hattersley retained the deputy leadership on a lower mandate of 67%, with Prescott winning 24% and Heffer 9%. At the same annual conference where these votes were cast, the NEC persuaded delegates to increase the nomination threshold to 20% of Labour MPs. The 20% threshold was designed to prevent the radical left from continually challenging Kinnock for the leadership. Benn had easily surpassed the 5% nomination requirement – in fact, he was nominated by 17% of Labour MPs. A total of 18% of MPs had nominated either Benn or Heffer or both. The new 20% threshold was intended to put future challenges out of reach of the left.<sup>4</sup>

### *3. The 12.5% threshold for vacancies (1993)*

The 20% rule successfully stymied the radical left but it would also prove troublesome for others. Kinnock resigned as leader following the 1992 general-election defeat and the shadow chancellor, John Smith, was the strong favourite to replace him. Smith quickly gathered support from most of his shadow-cabinet colleagues and the PLP. He faced two rivals for the post. Ken Livingstone was the candidate of the 'radical left, but he never had much support and secured only 13 nominations (4.8%). Bryan Gould, a shadow-cabinet member, was a more serious candidate, offering a soft-left alternative to Smith. However, he struggled to reach the 20% nomination threshold, as Labour MPs, sensing a Smith victory, sought to win favour with the leader-elect by nominating him. But few thought a coronation of Smith would make the party look good. At one point, the NEC indicated that MPs could nominate more than one candidate, only to reverse its position a few days later.

Eventually, Gould scraped past the 20% threshold, but Smith went on to win the contest easily, taking 91% of votes in the electoral college.

A year later, Smith oversaw a raft of rule changes, including reform of the electoral college. Most focus was on the reweighting of the college and the abolition of block voting by trade unions. MEPs were included in the PLP voting section for the first time. But with events of the previous year in mind, the party looked again at the nomination threshold. Although it was felt that leaders continued to need protection from frivolous but damaging challenges, there was recognition that different considerations applied when the leadership was vacant. In these circumstances, the party would want an array of serious candidates from which to choose. Consequently, the nomination rules were changed again at the 1993 party conference. For the first time, an explicit distinction was made between challenges to incumbents and contests for vacant posts, and different nomination thresholds were specified for each. The 20% threshold continued to apply to challenges, but a new 12.5% threshold applied to contests for vacancies. The system would be used for the first time in 1994 when Tony Blair was elected Labour leader following Smith's sudden death.<sup>5</sup>

#### *4. Collecting nominations: From MPs to challengers (2010)*

The leadership-selection rules would remain unchanged throughout the years of the Labour governments of Blair and Gordon Brown. Parties rarely undertake important changes to their selection rules in office, as their focus is on governing. Any changes tend to wait until parties are back in opposition.<sup>6</sup> So it was with Labour, whose return to opposition in 2010 has thus far prompted five further changes.

The first came at the 2010 annual conference and was in response to an incident two years earlier. Brown's premiership was quickly beset by problems and he became deeply unpopular, prompting a

number of attempts by Labour MPs to unseat him. The first, in the summer of 2008, witnessed an argument about the process of challenging an incumbent leader. In the past, Labour MPs had been provided with nomination forms in the summer in case they wished to instigate a leadership challenge but they seldom availed themselves of it. The practice lapsed under Blair's leadership, allegedly because of the Blairites' 'control-freak' tendencies and their fear of handing a weapon to opponents. It became a contentious issue, however, in 2008, when several backbenchers wrote to demand that nomination forms be sent out to MPs, only for the general-secretary, Ray Collins, to refuse. His decision was supported by the NEC.<sup>7</sup>

Brown survived the coup (as well as others launched against him later) but with Labour's return to opposition after the 2010 election defeat, the question of nominations was considered by the party. Previously, the rule on challenges to incumbents had stated: 'Where there is no vacancy, nominations *shall be sought* each year...' A rule change passed in 2010 modified that to: 'Where there is no vacancy, nominations *may be sought by potential challengers* each year...' (emphasis added). The effect was to reduce backbenchers' ability to cause trouble with mischievous nomination campaigns and to put the responsibility on candidates themselves. While would-be challengers could always deny responsibility for campaigns conducted by backbenchers, they would be forced out into the open under the new provision. Given the caution with which serious leadership hopefuls treat open challenges to an incumbent's authority, the rule change reinforced the Labour leader's security of tenure.

##### 5. *OMOV and the 15% threshold for vacancies (2014)*

In 2010, Ed Miliband narrowly defeated his more centrist brother, David, for the Labour leadership. The contest became controversial for the role played by the major unions, which campaigned strongly for Ed. Their efforts succeeded and Ed won by a margin of 1.2 percentage points over David.



David won clear majorities of MPs and MEPs and of party members, but Ed secured a 60-40 victory in the affiliates section, enough to take him over the line.

From the start, Ed Miliband's leadership was overshadowed by questions about the party's links to the unions. Matters came to a head after accusations that Labour's biggest affiliate, Unite, had sought to 'stitch up' the selection of Labour's parliamentary candidate for Falkirk for one of its own officials. Miliband responded by calling for a root-and-branch review of the party-union link, headed up by the former general-secretary Lord (Ray) Collins. The Collins Report subsequently made a number of recommendations, one of which was the abolition of the electoral college for leadership contests, and its replacement by a form of OMOV. While that move was widely welcomed, many MPs were concerned about the loss of their one-third vote share that it entailed. To compensate, they insisted on greater gate-keeping powers to ensure potential leaders enjoyed sufficient parliamentary backing. Some wanted to raise the nomination threshold back to 20% or even 25% but Collins settled on a compromise of 15% for contests for vacancies. The 20% rule for challenges would remain. The reforms were passed at a special conference in March 2014.<sup>8</sup>

The first use of the OMOV system was historic. The veteran left-wing backbencher, Jeremy Corbyn, came from nowhere to win overwhelmingly, but his victory enjoyed an enormous slice of luck after a serious miscalculation by centrist MPs. Corbyn had limited parliamentary support and was struggling to reach the 15% threshold, which at the time represented 35 MPs. He eventually passed it just minutes before the deadline after approximately 14 MPs 'loaned' him their nominations, not because they intended to vote for him but because they wished to 'broaden the debate'. Once he had secured his place on the ballot, Corbyn swept all before him, as an influx of new members enthusiastically joined his campaign to shift Labour to the left. Most Labour MPs were aghast, and few apart from the small minority of radical-leftists in the PLP, supported him. But it was too late. Having abrogated their gate-keeping responsibilities, centrist MPs had no way to fight back.<sup>9</sup>

The election of Corbyn in 2015 demonstrated the consequences that can follow when MPs waive their institutional rights at the nomination stage. Labour MPs had made a similar gesture to a radical-left candidate, Diane Abbott, in 2010 but that contest was under the old electoral college and the MPs knew they would have a second bite of the cherry at the voting stage. Abbott subsequently trailed in last with just 7% of the vote. But under OMOV, the only power the MPs had was their control over nominations. The entire Corbyn phenomenon would have been forestalled had MPs taken their gate-keeping duties seriously. That is the true testament to the significance of nomination rules.

#### *6. Including MEPs in thresholds (2015)*

Following Corbyn's victory, a pre-planned change to the nomination rule was implemented at the 2015 party conference. The justification for the higher nomination threshold under OMOV was that MPs had lost their own voting section, yet that also applied to MEPs, who remained excluded. The latter had never been included in the nomination threshold, but with the loss of their special voting rights in the electoral college, there was now a greater rationale for doing so. MEPs pushed for a change and in July 2015 the NEC agreed to recommend it to the conference, where it was subsequently passed. The rules now required valid nominations to be supported by 15% of the *combined* PLP and ELP for vacancies and 20% of the combined PLP and ELP for challenges.<sup>10</sup>

#### *7. Incumbents and nominations (2016)*

Labour MPs began plotting Corbyn's downfall from the moment of his election. Their determination peaked after Britain's vote to leave the European Union in the referendum of 2016, with many blaming Corbyn for failing to mobilise Labour voters to the 'Remain' cause. After a wave of

frontbench resignations and a failed attempt to force Corbyn out through a (non-constitutional) vote of no confidence, centrist MPs swung behind a leadership challenge by the former shadow-cabinet member, Owen Smith, in the summer of 2016. Given the depth of despair with Corbyn, Smith had no difficulty securing the necessary nominations from 20% of the PLP and ELP; indeed, he collected over 60% of the available nominations.<sup>11</sup>

The only uncertainty concerned Corbyn's place on the ballot paper. The rules were ambiguous over whether sitting leaders needed to comply with the 20% nomination rule. The question was vitally important because Corbyn may have struggled to reach the threshold (he was supported by only 40 out of 230 Labour MPs in the no-confidence vote). Moderates argued that Corbyn was obliged to collect nominations, following the precedent of Kinnock who did so in 1988 (although the threshold was 5% then). Corbyn's supporters claimed that the rules, in their totality, implied that incumbent leaders did not need to seek re-nomination. Rule 4.II.2B.ii stated that 'nominations may be sought by *potential challengers* each year' (emphasis added), with no reference to the leader. Ironically, the reference to 'potential challengers' dated back only to 2010, when it was included as part of the tightening up of nomination-seeking (see above). But it added to the impression that the widespread assumption – seemingly never stated explicitly – was that the rule applied only to challengers.

In truth, those who wrote and incrementally changed Labour's selection rules over the years had probably never envisaged a situation in which the leader was determined to remain in post despite being opposed by the overwhelming majority of his MPs. Leaders in this position are usually presumed to have forfeited all authority and compelled to resign.

When the rules are in dispute, the NEC is required to make a ruling. It split along factional lines in narrowly ruling that Corbyn would not need to collect nominations. This decision was subject to a legal challenge, but the high court ruled in favour of the original decision. Even had the NEC ruled

against Corbyn, he would still not have needed to pass the 20% threshold. Corbyn could simply have resigned as leader, thereby creating a vacancy at which point the nomination threshold would fall to 15%. There would have been nothing preventing him from running again for the newly-vacant post. This ability to transform a challenge into a contest for a vacancy is held only by the incumbent and not by would-be challengers. It highlights again the implied differential application of Labour's nomination rules. Nevertheless, Corbyn's allies took the matter seriously enough to push through a rule change at the 2016 annual conference, adding a sentence to the end of rule 4.II.2B.ii (the 20% nomination rule) stipulating that it did not apply to the sitting leader in the event of a challenge. The change entrenched the leader's security of tenure, but while that has happened in the past, this was the first such change driven by the left.

#### *8. The 10% threshold for vacancies (2017)*

Almost from the moment of Corbyn's election in 2015, some of his supporters began looking to the future. He was 66 years old when he became leader and so it was prudent to think about the succession. Corbyn's election owed a lot to the good fortune of being nominated by MPs who did not support him. The PLP would not be as naïve again. The left's obvious move would be to seek to lower the nomination threshold to ensure a left-wing candidate could make it on to the ballot in a future contest. With a hugely expanded individual membership of almost 600,000, the left's support among Labour's grassroots was clear, but there remained deep suspicion of the PLP.

Changing the nomination threshold would rebalance power relations between the PLP and the membership. The preference of many on the left was to reduce the threshold for contests for vacancies to 5%. The grassroots organisation, Momentum, which grew out of Corbyn's leadership campaign in 2015, strongly advocated this move and sought to mobilise support for it. It would become known as the 'McDonnell amendment', named after the shadow chancellor and Corbyn ally,

John McDonnell, who was presumed to be a likely beneficiary. McDonnell had sought to run for the leadership against Brown in 2007 but collected only 29 of a possible 355 nominations, or 8.2%. Having failed to pass the 12.5% threshold, Brown was left unopposed. A 5% threshold would have seen McDonnell on the ballot. McDonnell had also considered running in 2010 but was again frustrated by the nomination threshold.<sup>12</sup>

Corbyn's initial electoral unpopularity gave the left an extra incentive to change the nomination rule. But his stronger-than-expected performance in the 2017 general election cemented his position as leader. It also diminished the urgency for a drastic rule change. Momentum and others on the left wanted to force through their advantage, but with centrists looking to build bridges with Corbyn, some in the unions felt that, while a change would be desirable, a 5% threshold might reignite hostilities. In the interests of party unity, the NEC, on Corbyn's advice, recommended a compromise of 10% and it was ratified at the party conference in 2017. The 20% threshold for challenges was unaffected. As of January 2018, Labour's nomination rules stated:

- i. In the case of a vacancy for leader or deputy leader, each nomination must be supported by 10 per cent of the combined Commons members of the PLP and members of the EPLP. Nominations not attaining this threshold shall be null and void.
  - ii. Where there is no vacancy, nominations may be sought by potential challengers each year prior to the annual session of party conference. In this case any nomination must be supported by 20 per cent of the combined Commons members of the PLP and members of the EPLP. Nominations not attaining this threshold shall be null and void.
- The sitting Leader or Deputy Leader shall not be required to seek nominations in the event of a challenge under this rule. (*Labour Party Rule Book*, Chapter 4, Clause II, 2B)

The new 10% threshold would still have prevented McDonnell from contesting the leadership in 2007, but a decade later, the left was a much stronger force. That was even the case in the PLP, where an influx of Corbyn supporters after the 2017 general election boosted the left. On current figures, a left-wing candidate would require nominations from only 29 of the party's 262 MPs and 19 MEPs, a seemingly more manageable target.

## **Conclusion**

The general lesson of Labour's myriad changes to its nomination rules is a familiar one in political science: institutions matter. However, Labour's experience also challenges how we tend to think of institutions. The latter are usually seen as having longer time horizons than ordinary policies and decisions and are consequently more difficult to change. In contrast, Labour's eight nomination-rule changes since 1981 are matched in number by its eight leaders in that period. Nomination rules have often had relatively short timespans, with leaders or ascendant factions regularly targeting them for reform. Far from being difficult, changes have been easy to implement if the NEC was on board.

Power struggles are one factor behind the frequency of Labour's rule changes, but there are others. The shift to a 12.5% threshold for vacancies in 1993 was motivated partly by concerns about the party's image. There was a widespread worry that a 'coronation' would cast Labour in a poor light. That was arguably the right conclusion: Brown's 'coronation' in 2007 reinforced wider complaints about him being an 'unelected' prime minister.

One other important lesson about Labour's changes is the role of unintended consequences, most obviously in relation to the new OMOV system. More generally, reforms have often followed leadership contests in which some feature was deemed undesirable. The '20% rule' was an attempt to prevent a Benn-style challenge from the left reoccurring; the 1993 reform had the 1992 contest in

mind; OMOV addressed concerns about union influence in the 2010 contest; and Corbyn's difficulties in the 2015 and 2016 contests propelled the decrease in nominations to 10% and the clarification that leaders need not seek renomination in the event of a challenge. But new rules can take on a life of their own. The 2010 reform's specification that potential challengers must be proactive in seeking nominations partly shaped the interpretation of whether challenged leaders had to seek nominations of their own.

The frequency of Labour's rule changes indicates that one potential safeguard against partisan or ill-thought-out changes – constitutional rigidity – does not apply. Instead, the NEC, usually at the behest of the party leadership, has proved willing to force through changes on a regular basis. Given the strong voting influence of the unions at both the party conference and on the NEC, their support is also vital. The unions have historically played a ballast role for the party leadership in internal Labour affairs.

The changes may not be over yet. Assuming that Brexit proceeds and Britain's MEPs leave the European parliament, Labour will need to modify its nomination rules again in the coming years, with the removal of references to the EPLP. The party may also return to the 'McDonnell amendment' or, if the centrists regain control – unlikely as that looks in the medium term – there could be an attempt to increase the threshold. But with the ascendancy of the left, Labour's current plans are to rethink the party's internal democracy. That could have far-reaching consequences for the relationship between the leader, the mass membership and parliamentarians. The move towards a 10% threshold could turn out to be a harbinger of further changes to come.

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<sup>9</sup> T. Quinn, 'The British Labour party's leadership election of 2015', *British Journal of Politics and International Relations*, vol. 18, no 4, 2016, pp. 759-78.

<sup>10</sup> This paragraph is based on communications with two Labour Party officials with direct knowledge of the rule change.

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