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# Discussion

## MAJORITY RULE: A DYSFUNCTIONAL POLITY CONSENSUS: AN INCLUSIVE DEMOCRACY

Peter Emerson \*

*Numerous electoral systems have been devised over the years but, in decision-making, many forums still rely on the same procedure that was used in ancient Greece: majority voting. Hence, majority rule. In many plural multi-ethnic and/or multi-religious societies, the effects have often been negative.*

*This article considers voting procedures in three inter-related contexts: decision-making, elections, and governance. With regard to conflicts in Northern Ireland, the Balkans, and Ukraine, it shows, both in decision-making and in elections, how simplistic win-or-lose ballots have exacerbated tensions. And it then suggests a more inclusive polity in which win-win voting systems might help to alleviate these differences.*

*Indeed, if a more accurate measure of the collective will could be deployed, and if that mechanism were non-majoritarian, there would be little or no basis for majority rule. Instead, reliance could be placed on inclusive structures: preference voting in decision-making, and all-party coalitions in government.*

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\*Initially a submariner, **Peter Emerson** resigned his commission to teach math and physics in a school for the poor in Kenya, a country where, it seemed, majority rule was primitive and inappropriate. Having learnt Swahili and bought a bicycle, he then travelled throughout Central Africa, before settling in Northern Ireland in 1975. The “troubles” were still raging, of course, and he soon realised that here too, this binary voting was divisive and inaccurate. In 1985, at the height of the “Ulster says ‘NO!’” campaign, he and five colleagues stood outside Belfast’s City Hall with a banner: “we have got to ‘say yes’ to something.” Then, *before* the IRA cease-fire, he organised the first of many cross-community conferences with preference voting. Similarly, in 1990, on visits to both Georgia and Yugoslavia and *before* the wars erupted, (he also speaks Russian and some Serbo-Croat), he advocated power-sharing there as well. On returning to East Africa in 2003, he also warned of the dangers of any referendum in South Sudan. He is now the director of the de Borda Institute—[www.deborda.org](http://www.deborda.org)—and his latest work is *From Majority Rule to Inclusive Politics: Electing a Power-Sharing Coalition* (Springer, 2016).

## INTRODUCTION

Parliamentary democracy is usually based, *inter alia*, on decisions being taken by a (simple or weighted) majority vote. So governance is invariably a form of (single-party or coalition) majority rule. While this majoritarianism has been used (and abused) in many of the more established democracies, in some post-communist regimes and several former colonies, such a polity has provoked division, bitterness, and in the worst-case scenarios, war.

Accordingly, this article considers three features of democratic rule: (1) two types of decision-making, one confrontational and one consensual, in referendums and/or votes in parliaments; (2) two types of voting procedure for use in parliamentary and presidential elections, and again, one is exclusive while the other is its opposite; and (3) three different structures of governance: majoritarianism, consociationalism, both of which are dichotomous, and a consensual polity which may be more pluralistic.

Democracy has evolved to the point at which, despite amazing advances in computer science, elected chambers and countless organisations in civic society still measure the “will of the people” and/or the will of parliament or that of committee members by using the 2,500-year-old yes-or-no majority vote. This sometimes means that decisions are based on the will of only 50% plus one of the given gatherings. Little wonder, then, that some international forums prefer a purely verbal approach, but this too can be imperfect or even inconclusive.

This ubiquitous belief in majoritarianism and the use of adversarial voting procedures have sometimes been the catalysts of chaos. Accordingly, the text refers to zero-sum decision-making as per the right of self-determination; secondly, to equally win-or-lose multi-party elections; and thirdly, to the way electoral systems impact on party structures and the most common and very divisive form of governance, majority rule. The main focus shows how these three features have affected ethno-religious conflicts, not only in the Balkans and elsewhere, but also in the most recent and on-going war in Ukraine.

Then, with due mention of those occasions when preferential voting has been used in Northern Ireland, the article describes and advocates that which could prove to be a more inclusive and peaceful democratic structure, a multi-option and preferential decision-making procedure and an equally inclusive electoral system.

The former could have at least one huge consequence, for if there were a decision-making procedure which facilitated a more accurate identification of the will of parliament,

and if that decision-making procedure were non-majoritarian, there would be little further justification for majority rule. A more inclusive structure could be used based on a government of national unity (GNU), and such is needed, not only in western democracies but especially in conflict zones, as in the Middle East.

Such a proportional, all-party executive could be elected by the relevant parliament in an ethno-colour blind methodology, as will be outlined. Furthermore, as an integral part of any consensual polity, both government and parliament would base their (non-urgent) decision-making on consensus, either in a purely verbal procedure and/or via a debate followed by a multi-option preferential vote.

### **MAJORITARIANISM: MAJORITY VOTING AND MAJORITY RULE**

Many people think, “the foundation of democracy [is] that the will of a majority should be paramount. It is *not*...” (Dummett 1997: 71). Democracy is for everybody, or as many as possible, not just a majority. So the democratic process should involve, not the domination of one faction over the rest, but an accommodation of (almost) all interests. Alas, “there is a surprisingly strong and persistent tendency in political science to equate democracy solely with majoritarian democracy” (Lijphart 2012: 6). Other forms, consociationalism and consensus, are rarely discussed, and even Lijphart does not go beyond the former.

Accordingly, this article suggests a consensual polity: multi-option and preferential voting in decision-making combined with a multi-candidate and preferential electoral system (1) would be more inclusive, (2) would give a more accurate indication of the collective will, (3) would be more suitable in a post-conflict structure, and (4) could help to prevent political break down in other plural societies.

Electoral systems can and do vary a lot; decision-making in contrast hardly ever changes. The former range from the simplistic single-preference systems like first-past-the-post (FPP), and some proportional representation (PR), like the PR-list systems, to the more sophisticated preferential systems. Alas, the UK and many former British colonies use FPP. France and many countries from the old French Empire use the two-round system (TRS). Several continental European countries use the PR-list, and the spectrum ranges from the single-preference closed list systems, as in Israel, to multiple choice open systems, as in Switzerland. To add to the mix, in 1949, Britain and the Allies imposed a two-tier system on the Germans, multi-member proportional (MMP), which is part FPP and part

PR-list; while earlier, as part of the 1920 settlement, the UK imposed the PR version of the single transferable vote (PR-STV) on the Irish, North and South.

As Maurice Duverger points out, however, different electoral systems tend to lead to different party structures: FPP usually produces a two-party system<sup>1</sup> (Duverger 1955: 217); TRS fosters two or maybe three main parties; a two-tier form of PR-list, as in Denmark, allows rather more parties to gain representation in parliament; while the German MMP results in two main parties plus two or three smaller ones. All of these electoral systems and party structures are regarded as democratic. However, if they are all different and they all lead to a different set of elected representatives, they cannot all be accurate representations of the people's collective will.

In contrast, as noted, decision-making, be it in parliamentary divisions or in referendums, is common to many forums. Although most democratic countries use simple or weighted majority votes, there are a few exceptions: Denmark uses plurality voting in parliament, Finland and Sweden use serial voting when debating amendments, and Norway has a provision for, but rarely uses, TRS. Beyond Scandinavia, however, nearly every democratic parliament is majoritarian.

Multi-option voting has been rather more widespread in referendums, usually under TRS. New Zealand was the first in 1894 with a three-option poll, and in 1992 this was followed by a ballot of five options. Other multi-option polls have taken place in many countries, including Australia, Chile, Newfoundland, Puerto Rico and Sweden, with perhaps the most inclusive ballot being the plebiscite held in Guam in 1982: there were six possible constitutional settlements to choose from, with an additional one left blank for anyone(s) who wished to campaign for a further policy option.

It must nevertheless be stressed that most parliaments use majority voting. Furthermore, there is the widespread belief in majority rule. Better that than any minority diktat, of course, but majority rule should not be regarded as the apogee of democratic evolution. But the question arises: how best to determine the will of the majority? Many parliaments resort to (simple or weighted) majority vote, one of the most inaccurate measures of the majority will, let alone the collective will. Hence majoritarianism: majority rule based on majority voting.

In a two-party structure, the larger party forms the government. In a multi-party structure where, as often happens, no one party has more than 50% of the seats, there may be a single-party or coalition minority administration, as can happen in Canada and

Denmark, for example; or there might be a majority or a grand coalition, as is currently the case in Finland and Germany, respectively. A majority coalition usually involves one big party joining with one or more smaller ones, while a grand coalition is a coming together of the two big parties.

Negotiations for such coalitions can sometimes be protracted. In 2010 in the UK there were just two realistic possibilities, and a government was formed after only five days: a two-party majority coalition of Conservatives and Lib-Dems. After the 2005 election in Germany, however, the two big parties in the *Bundestag* were in a dead heat, and the three little ones were also very close to each other; there were thus six possible majority coalitions of one-big-plus-two-small parties, as well as one possible grand coalition. For those who believe in majoritarianism, any one of these seven very different combinations would have been regarded as democratic.

The situation in India after the 1999 election was even more convoluted. The previous 1998 government, itself a coalition of various parties, collapsed when a vote of confidence was lost by only one vote: 269 to 270. The subsequent election was contested by over forty political parties, some already in coalitions, and over thirty parties gained representation, as did half-a-dozen independents. Any one of a huge number of combinations, therefore, could have formed a majority government.

There are, then, many electoral systems, and quite a few forms of government. For the most part, however, there is only one decision-making voting system in common use: the simple or weighted majority vote. It is used in international forums like the UN Security Council; in numerous parliaments; in referendums and constitutional plebiscites; (and it is also used in law, business and civic society); not only in councils and parliaments, therefore, it is indeed ubiquitous. Furthermore, virtually the only alternative to binary voting in current use is the purely verbal methodology, and hence the all-night sessions of various UN conferences and EU Councils of Ministers. There is remarkably little awareness of multi-option voting for use in decision-making.

But just as a whole host of voting procedures can be used in elections, if and when there are more than two candidates, so too other voting procedures could be used in decision-making, if and when there are more than two options. Furthermore, as it were by definition, in any democracy which aspires to the adjective *pluralistic*, in any debate which is at all controversial, there should inevitably be more than two options “on the table”; accordingly, on those occasions when attempts to find a verbal agreement are unsuccessful

and when resort is made to a vote, there should also be more than two options on the corresponding ballot paper.

Any one of a number of decision-making methodologies could be deployed. There could be a plurality vote; or TRS; or STV (which in decision-making in the UK is known as the alternative vote (AV); it is called instant run-off voting (IRV) in North America; and preferential voting (PV) in Australasia; in this article, it is referred to as AV); there are also approval voting and range voting; and then there are the Borda and Condorcet rules. Of them all, only AV, Borda and Condorcet ask the voters to cast a full range of preferences; only Borda and Condorcet take all preferences cast by all voters into account; and only the Borda methodologies are non-majoritarian. It is this last category, therefore, that form the basis of a consensual polity, to be discussed later on.

### **DECISION-MAKING: SELF-DETERMINATION**

Decision-making is used both in parliaments and in referendums, but it is in the latter function that it has often failed to facilitate the resolution of the dispute in question in a peaceful manner.

In 1916, President Woodrow Wilson introduced the concept of self-determination. It was designed to be a principle by which a nation could overcome the *external* problem of colonialism or aggression. It was never intended to be the basis by which a society could resolve any *internal* problems of secession or irredentism.

“All peoples have the right of self-determination. By virtue of that right, they freely determine their political status...” so stipulates Article 1.1 of the International Covenant on Civil and Political Rights, adopted by the UN General Assembly in 1996. At no stage does the Covenant mention which voting procedure should be used. It may nevertheless be asked, can a people “freely determine” its status if someone has restricted the voters’ choice to a yes-or-no dichotomy? To take a Croatian example—where the referendum question was, in effect, “Are you Serb or Croat?”—how were the parents in, or grown-up children of, a mixed marriage supposed to vote? and, more importantly, what were those who might otherwise have wanted to vote for compromise supposed to do? In a multi-option poll, as was the case in New Zealand’s TRS referendum on its electoral system, at least one or more compromise options would be on the ballot paper. Furthermore, in a preferential ballot, voters might be encouraged to state their individual

compromise, in which case it should be possible to identify the collective compromise. More of this in a moment.

There is little or no logic to the principle of self-determination by majority vote.

- Step one: if in any one country, a majority wishes it to stay that way, then so be it. (In 1991, a majority of 105 million voted to maintain the Soviet Union; it collapsed within a year.)
- Step two: if, however, a large minority wishes to secede, and if a majority of that large minority approves, then this region may gain its independence. (In a 2011 referendum in South Sudan, with a 97.6% turnout, 98.8% voted for independence; as one Timothy Othieno and others had predicted, it has since imploded: "...if the South were to secede this would open a Pandora's box in the whole of Sudan" [Othieno 2006: 281]).
- Step three: if, however, a small minority of that large minority wishes to secede, and if a majority of that small minority of that large minority approves, then this smaller region may also choose to go it alone. (In 1920, Ireland opted out of the UK; so Northern Ireland opted out of Ireland and opted back into the UK again. In theory, the city of Derry/Londonderry could have opted out of Northern Ireland, and/or West Belfast could have turned itself into a sort of West Berlin, and/or...) The principle of self-determination, or at least any majoritarian interpretation of that principle, is a recipe for mayhem.

When Croatia opted out of Yugoslavia in 1991, the *Krajina*<sup>2</sup> tried to opt out of Croatia; when Georgia opted out of the Soviet Union in 1991; Abhazia opted out of Georgia; when in 1992 Bosnia opted out of a truncated Yugoslavia, there was no majority but rather three minority factions, and two of them tried to opt out of Bosnia as well: the Orthodox wanted *Republika Srpska* and the Catholics wanted Herzeg-Bosna.

And so it goes on, *ad infinitum*. If in 2014, Scotland had opted out of the UK, the Orkneys were thinking of opting out of Scotland. When Donetsk held its referendum on 11 May 2014, two districts in Donetsk asked to be placed in the neighbouring region (*oblast*) of Dnipropetrovsk. *Ad nauseam*.

#### **THE CONSEQUENCES OF ADVERSIAL VOTING PROCEDURES**

There were numerous causes to the conflicts which afflicted the Balkans in the 1990s but, as Sarajevo's now legendary newspaper observed, "All the wars in the former Yugoslavia started with a referendum" (*Oslobodjenje*, 7.2.1999).



In most Republics, the first post-communist elections were held in 1990 under TRS. In Croatia, for example, the Communist Party “insisted [on] TRS,” because it was “still confident of victory” (Woodward 1975: 117–18). By the time the elections were held, however, the party “had bloodlessly collapsed” (ibid.), and the nationalists were in the van: Franjo Tudjman won 41.5% of the vote and thus 58% of the seats: that’s TRS. Two mutually exclusive referendums followed, one in the Orthodox Krajina, one in the Catholic part of Croatia; and then there was war.

Bosnia followed a similar pattern. In the elections, Ante Marković’s Reform League might have been the second preference compromise choice of many voters, but in any one round, TRS allows the electorate to cast only a first preference. The three largest nationalist parties, one Catholic, one Muslim and one Orthodox, “pledged to band together against the communists” (Silber and Little 1995: 232), and the result of what was little more than a sectarian headcount, “laid the ground for the war that followed” (ibid.). These three parties then used a consociational form of government, which meant that each could veto any proposal; they failed to pass even a single law. Meanwhile, the EU insisted on a majority vote plebiscite on self-determination but, “[on] the day of the referendum, barricades were thrown up by Serb militants around various parts of Sarajevo” (Glenny 1996: 166). Within days, it was war.

The 2000 war in Kosova<sup>3</sup> was also fought, in part, over a referendum. In 1991, 99.9% of an 87.0% turnout in Kosovo voted for independence, but the plebiscite was not recognised. The 1999 Rambouillet Agreement wanted Slobodan Milošević to sign up for a second referendum in Kosovo but, needless to say, he refused; so NATO bombed; so the Russian foreign Minister, Viktor Chernomydin went to Belgrade; so the referendum clause was removed; whereupon Milošević did sign and the war came to an end.

In contrast to the Balkans, referendums in the Caucasus were often held not before but after the respective war, by which time most of the minority were either in exile...or dead. In 1991, for example, three years after the first incidents of violence, 99.9% of an 82.2% turnout in Nagorno-Karabakh voted for independence, and only twenty-four individuals voted against.

Such Stalinist results are not confined to the post-Soviet world. In the 1973 border poll in Northern Ireland, 98.9% voted in favour. The turnout was rather less numerically, only 58.7%, but no less sectarian. Nearly all the Protestants voted, and voted “yes,” while almost all the Catholics abstained. Turkeys do not vote for Christmas, as the saying goes,

and minorities do not vote at all, if and when there is no point. Such was also the story for the Azeris in Nagorno-Karabakh, the Georgians in South Ossetia and Abkhazia, the Catholics in the Croatian Krajina, the Orthodox in (the rest of) Croatia, the Kosovars in Serbia, the Orthodox in Bosnia and, as shall be seen in a moment, for the hapless Tatars in Crimea in 2014.

When the result of a referendum is too close to call, as it was in Quebec in 1995, the minority does vote. 49.4% voted for independence, 50.6% voted against, and the turnout was massive: 93.5%. Results were also fairly tight in the 2014 Scottish referendum, when 44.7% independence supporters lost to 55.3%, and the turnout was 84.6%.

In summary, as a means of facilitating the resolution of disputes on secession, the two-option majority vote plebiscite is divisive, inappropriate and often counter-productive. Despite everything, for many politicians, binary ballots remain the methodology of choice.

#### **THE CONSEQUENCES OF MAJORITARIANISM**

Majority voting has been part of many histories. In 1903, the All-Russian Congress of Social Democrats met in London. Vladimir Ilyich Lenin lost the first vote but dismissed the result as being of little consequence. “I do not think that our differences are so important,” he said (Deutscher 1982: 71). One group then left the discussions. Lenin soon changed his attitude because he won the next vote: nineteen in favour, seventeen against and three abstentions; (so in fact, no faction had a majority). He nevertheless called his larger minority the majority, *bolshinstvo*, and his side thus became the Bolsheviks. Correspondingly, the members of the (other) minority, *menshinstvo*, were the Mensheviks. The Bolsheviks took power in 1917, a *coup d'état* called a revolution, and the promised election took place shortly afterwards. The Bolsheviks were trounced; the real majority, the Social Revolutionaries, took 370 of the 707-seat Assembly, an absolute majority of 52.3%. Lenin therefore ordered his troops to take over the parliament in a second *coup d'état*. The bolshevism which followed, a term derived from the word which originally meant majoritarianism, was horrific.

Like Lenin, Máo Zédōng was also sometimes “in the minority” (Chang Halliday 2007: 252), but he too survived, and thrived, on a belief in the supposed rights of the majority. Article V of the Chinese Communist Party’s constitution stated that “the minority must obey the majority,” while Article III urged all members “to promote the interests of the majority” and “to unite with the majority” (Schram 1969: 329). It should also be pointed

out that majority voting was used in some village meetings during the Great Leap Forward, the world's worst ever man-made famine: "participants voted to decide who would be killed; one by one, potential victims' names were read and votes were tallied. The process lasted for hours" (Su 2011: 65).

A third tragedy, the 1994 genocide in Rwanda was also caused, in part, by a belief in majoritarianism. The colonial power's original administration was imperialism, that is, an ultimate form of minority rule. This meant that the Belgians were in charge; that the Tutsis came next, the middle class; that the more numerous workers, the Hutu, were at the bottom of the pyramid; and that a fourth much smaller group, the Twa, were just ignored. Thus, when ID cards were issued in the 1930s, every native Rwandan was classified as either/or, Tutsi or Hutu. With independence came a complete reversal of policies, and minority rule was to be replaced by its opposite, majority rule, even though "Asking yes-or-no questions is very unAfrican."<sup>4</sup> As a result, the losers of yesterday could be the winners of tomorrow. When the *Interahamwe* launched its appalling massacre, it used the slogan "*Rubanda nyamwinshi*," that is, "*the majority people*" (Prunier 1995: 183).

Despite these horrors, in parliaments and councils the world over, many people continue to believe in the "mystique of the majority" (Dummett 1997: 71), the mistaken notion that democracy should be based on decisions taken by majority votes. Hence, in the US, for example, if and when one House is dominated by a party which is different, either to that which is in the majority in the other House and/or to that of the President, the administration becomes dysfunctional. Likewise, in the UK, parliament uses the majority vote, even on those rare occasions when there are more than two options under discussion. In 2003, the House was debating the 100-year-old problem of reforming the House of Lords. There were five options "on the table." Lord Meghnad Desai said any use of the majority vote would be "daft" (*Hansard*, 22 January 2003), but democracy, or so many believe, "works on the basis of a decision by the majority" (Government of Ireland 1996: 398). They took five majority votes, one for each option, and lost the lot. The late Robin Cook MP then tried to introduce a form of preferential voting but in vain, for that "would have involved," he later bemoaned, "the technological development of a pencil and a piece of paper, which was far too big a step for our parliament and its medieval procedures" (Emerson 2012: 23).

#### **ANOTHER CONFLICT: UKRAINE**

In 2015, in the wake of the murder of Boris Nemtsov, the latest of many dissidents and/or

journalists who have been eliminated in Russia, it is all too easy to criticize Vladimir Putin. Indeed, for a long time now, the latter has been ruling like a Tsar, adjusting “democracy” as required to suit his own ambitions. He is not the only politician to adjust the electoral system to suit his own purposes, of course. Like so many other rulers and even dictators, however, he does not bother to adjust the majority vote, for the latter is the perfect instrument for those who might want to dominate decision-making: they choose the question, and the question is (not quite) always the answer. (The only dictator to lose a binding referendum was Augusto Pinochet, in his third such plebiscite in 1988 in Chile; while in Zimbabwe, Robert Mugabe lost a non-binding ballot in 2000.) Putin was President from 2000 to 2008; next he served as the power behind that throne, just to comply with the constitution; and following new elections, he returned as the elected leader in 2012. That said, while Putin has definitely been guilty of exacerbating the conflict in Ukraine, it must also be pointed out that the West could have pursued wiser policies.

Initially, in 1991, when Ukraine received its independence, the West advocated majoritarianism; as noted above, this usually means elections by *any* one of many electoral systems, the formation of *any* combination of parties such that it forms a majority in the parliament, but decision-making in referendums and/or in votes in parliament, by only *one* of several systems, namely the (simple or weighted) majority vote.

Everything, therefore, was adversarial. Ukrainians speak a variation of the same tongue, either Ukrainian and/or Russian; nearly everybody is Slav, the one obvious exception being the above mentioned Crimean Tatars; and nearly everyone is Christian, Catholic or Orthodox, the latter either Russian, Ukrainian or Uniate. Politics, however, is divisive. So the people divided. Everything was either/or: either pro-West or pro-Russia, either ethnic-Ukrainian or ethnic-Russian (to use the nonsensical descriptions employed by the Organisation for Security and Co-operation in Europe, OSCE, amongst so many others).<sup>5</sup> Everything was win-or-lose.

In the 2004 presidential elections, the winner was to be either Viktor Yushenko or Viktor Yanukovich, and in 2010, either Yanukovich or Julia Timoshenko. The candidate with 50% plus one of the votes was to get 100% of the power, while the loser with maybe 49% got nothing. In government, especially after Ukraine adopted a more parliamentary democracy in 2005, it was majority rule. So in parliamentary votes or referendums, 50% plus one was again the threshold. This, after all, is democracy, or so they say. It was the same in Scotland on 18 September 2014 where, “the UK and the Scottish

governments...made clear they will abide by the result, even if it is fifty per cent either way plus a single vote” (*The Guardian*, 17 September 2014).

The principle of majority rule is dominant, and thus it remains... until it all goes horribly wrong. By February 2014, the situation in Kiev had turned violent. The EU, which had been promoting the win-or-lose politics of majority rule, now changed its mind, totally, and rushed over to Kiev to advocate the very opposite, power-sharing. Hence, on 20<sup>th</sup> of that month, Yanukovich agreed “to early presidential elections, the quick formation of a coalition government with the opposition... [and a] new government of ‘national unity’...within 10 days” (*The Guardian*, 21 February 2014). It was all too late. He fled to Russia later that same day.

If the EU had advocated all-party power-sharing back in 1991, then maybe the civil war of 2014 could have been avoided. As it happened, the situation just got worse and worse. On March 16, Crimea held its referendum. The West protested, firstly, about the presence of Russian troops on the ground, and secondly, about the absence of any Ukrainian options on the ballot paper. But few if any complained about the use of a majority vote; after all, so they continued to say, that is democracy. Putin was certainly involved in Crimea but not, initially, in the consequences of those events in Eastern Ukraine: thus, at the time, he did not recognise the referendums in Donetsk and Luhansk, which took place on 11 May 2014. Since then, however, despite his protestations to the contrary, Russia’s involvement in the war in Ukraine has been extensive.

The point, however, is this. If the West had advocated power-sharing, if not in 1991, then at least when the situation started to deteriorate in 2013; or if, better still, the West actually practiced a form of power-sharing, then maybe the situation could have been saved. According to Sergei Markov, a Kremlin-linked analyst, “Putin laid down several conditions...which he saw as a compromise solution... ensuring that Ukraine's interim government involved a coalition of all political forces, including Yanukovich's Party of Regions” (*The Guardian*, 24 March 2014). “If this had happened,” [Markov added], ‘Crimea would still be part of Ukraine’.”

The conclusion, yet again, is stark: majoritarianism can be, and often is, a cause of war. Why, then, does the West continue to believe in this most primitive and divisive measure?

### THE “MYSTIQUE OF THE MAJORITY”

The full quotation from Markov reads as follows: “Putin laid down several conditions to western leaders which he saw as a compromise solution but [which] they viewed as unwarranted meddling in the internal affairs of a sovereign state. The conditions included ensuring that Ukraine's interim government involved a coalition of all political forces, including Yanukovich's Party of Regions, [and] disbanding all armed revolutionary factions....” There it is: “[power-sharing,] which western leaders...viewed as unwarranted meddling in the internal affairs of a sovereign state...” (ibid.). As far as the West was concerned, until Ukraine imploded, or so it seemed, it had to have majoritarianism. The West is indeed hooked on this “mystique of the majority.”

It was the same in Kenya. Initially, the UK, the former colonial power, advocated majority rule, and this despite the fact that, in Swahiliphone Africa (as the word ‘*baraza*’ would imply)<sup>6</sup> if not throughout the sub-Saharan continent, the Kinyarwanda word is ‘*gacaca*’, while in French-speaking West Africa, the term is ‘*palabre*’, “Majority rule was a foreign notion” (Mandela 1994: 25). Then, when everything went horribly wrong in the wake of the FPP elections of 2007, the British advocated a different policy, again the opposite of the original majoritarianism, namely, power-sharing.

It is not that different in Iraq, where the forces of Isis have now taken over huge swathes of the country and where the West knows that power-sharing in Baghdad was and is essential. Instead of majority rule, which it knows would be unworkable, it calls for “inclusive government.”

Libya is another example. Sadly, the West failed to respond to the words of Libya's Foreign Minister, Abdul Ati al-Obeidi who in April 2011 called for international observation of supposedly free elections, and opted to continue with its military intervention. Since then, and since the overthrow of Muammar Gaddafi, the country has imploded as various factions seek domination. Hence the numerous calls for a “government of national unity.”

Likewise, in Afghanistan. In a land where tribal divisions are huge, there is first a win-or-lose presidential election under TRS. Amid allegations of vote rigging and other forms of electoral fraud, the two sides become embittered. Eventually, under international arbitration, a win-win resolution is found and a form of power-sharing is established. Would it not have been more sensible if Afghanistan had used a less adversarial electoral system, one more suited to the very concept of power-sharing? One obvious win-win

methodology could have been the original U.S. system in which not only does the winner become the president, but the runner-up becomes the vice-president (U.S. Constitution 1787: Art II, Section 1 para. 3).

In summary, it may be asked: would it not indeed have been better if Kenya had inherited a form of power-sharing when it first received independence? Or too Rwanda? Or if, in 1990, in the various Republics of Yugoslavia, a preferential electoral system had been used? or if their plebiscites had been multi-optional? And, it is worth repeating, would it not have been wiser if, in Ukraine, from the very beginning, the West and in particular the OSCE had promoted inclusive voting procedures, both in elections and in decision-making, as part of a form of power-sharing?

On 29 June 2015, Britain's David Cameron said, "Whether it's Iraq, Syria or Libya, the same thing is required... governments that represent all of the people." Meanwhile, in his own government, there is no-one to represent the Scots, let alone those of a non-Tory political ideology.

#### **A MORE INCLUSIVE DECISION-MAKING PROCESS**

In a plural society, as noted earlier, whenever a complex and/or contentious problem is in question, there will invariably be a plurality of options "on the table." If, as often happens in politics, a verbal consensus proves to be elusive, the debate will invariably boil down to a choice of just a few options. In which case, a final vote may be taken, but there should always be the same plurality of options, or at the very least a short list of about four to six options, on the ballot paper.

Admittedly, there are a few occasions when a political dispute does actually involve just a dichotomy, and one obvious example relates to the question, "which side of the road shall we drive on?" The only country ever to hold a referendum on this question, Sweden in 1955, actually had three options on the ballot paper: "left," "right" and "blank." If, then, a committed democrat was actually indifferent on this topic, he/she could choose to vote "blank" and, as it were, go with the flow. Therefore, even on what should be those rare occasions when a dispute is indeed reduced to just two options, there could well be more than two ways of voting. In today's world of plural societies, therefore, most serious (but non-urgent) disputes should never be subjected to a blunt choice of only two options.

Scotland did not have to be independent, yes or no; it could have got "devo-max" (maximum devolution, as the third option was called, though it was not included on the

ballot paper). In fact, of course, the Scots have now got devo-max, even though no-one voted for it. So too in “normal” societies, to take a current example from the UK parliament, tax rates do not have to be 50%, yes-or-no; they could be 40, 45, 50, 55, or even a compromise between the two most popular ones, such as can be calculated with a high degree of precision in consensus voting, which will be discussed in a moment.

More to the point, Crimea did not have to be Russian, yes or no? Croatia did not have to be totally independent of Serbia, yes or no... only later, if all goes to plan, to be reunited with Serbia in the EU. And so it goes on.

### **CONSENSUS DECISION-MAKING**

In current majoritarian practice, when a motion is put, parties are allowed to suggest amendments to this clause or that. Next, in debate, these various amendments may be voted on; and when that process is complete, there is a final yes-or-no vote on the substantive. In a word, everything is dichotomous.

Consensus voting, in contrast, is more flexible. Any party to the debate can propose a motion, but every motion must be a complete package. Even when one party agrees with most of a particular motion and wishes to amend just one small part of it, that party must nevertheless propose a complete package.

When the debate starts, a team of consensors as they are called allow every relevant option to be included, or at least those which comply with a previously adopted norm like the Universal Declaration of Human Rights; all options “on the table” are then listed, in summary perhaps, on a computer screen and, if need be, in full on a dedicated web-site. In the debate itself, participants may ask questions, seek clarifications, suggest composites, or even move a new policy option, again as a complete package (though at any one time, any one party may sponsor only one option, of course). As the debate proceeds, the total number of options under discussion may gradually come down to single figures. If at the end of the day, only one option remains, this may be taken to be the verbal consensus. If not, if there are still a few options in dispute, then the chair may ask the consensors to draw up a final (short) list and, as implied above, and especially if the subject is controversial, this will normally consist of between four and six options. The chair first asks if every party which has proposed an option agrees with the way the consensors have incorporated their proposal, either verbatim or edited or in composite, into the final list, and, when all concerned are content, he/she then calls for the vote.



### CONSENSUS VOTING

No-one votes *against* anybody or anything. Rather, albeit in their order of preference, participants vote in favour of (one, some or hopefully all of) the options. Preferences are then translated into points, the points are totaled, and the option with the most points is the winner. At best, this outcome is the option with the highest average preference, and an average, of course, involves *everyone* who votes, not just a majority of them.

Let it be assumed that the ballot consists of five options. In a Modified Borda Count (MBC), the protagonist knows that success depends upon the preferences cast by every voter. It is therefore worth her while to talk to everyone, especially any erstwhile (majoritarian) opponents, so to persuade them to give her option not a fifth but a fourth, third or even a second preference. The MBC is inclusive.

In an MBC ballot of  $n$  options, a voter may cast  $m$  preferences, where  $n \geq m \geq 1$ , and points are awarded to (1<sup>st</sup>, 2<sup>nd</sup> ... penultimate, last) preferences cast according to the rule  $(m, m-1 \dots 2, 1)$ . Accordingly, in a five-option ballot, he who casts just one preference gives his favourite just one point; she who casts two preferences gives her favourite two points (and her second choice 1 point); while he who casts all five preferences give his favourite option five points, (his second choice four points, etc.). The mathematics of the MBC thus encourages voters to submit full ballots,<sup>7</sup> and experience over the years confirms this to be the case. In so doing, each voter in effect recognises the validity of their neighbours' aspirations. The MBC is indeed inclusive. It is also "the soundest method of identifying the [option which] is most generally popular with the electorate, or at least the most acceptable" (Dummett 1997: 71).

The author's first use of this methodology was in a public meeting held in Belfast in 1986. Though still eight years *before* the cease-fire, the 200 plus participants included both Unionists and Republicans, the public and paramilitaries, politicians and professors. After a day of workshops and plenaries, those present voted in a ten-option preferential ballot, and the most popular option was for "Northern Ireland to have power-sharing and devolution, under a tripartite Belfast-Dublin-London agreement." It was like a mini-Belfast Agreement, just twelve years ahead of its time.

A further experiment was held in 1991 with electronic voting, and here too a consensus was identified. Furthermore, there was a guest from Sarajevo, and thus was made, six months *before* the fatal referendum, an impassioned plea against the use of any

two-option ballot in Bosnia. Other demonstrations of the methodology have been undertaken both at home and abroad, throughout Europe, in the U.S. and, most recently, in China. They have all been successful.<sup>8</sup>

The MBC has also been used in public opinion polls, such as was conducted in Scotland just two months before the 2014 referendum. In any six-option vote, there are in fact 720 different ways of voting, 720 different opinions, or nuances that can be expressed (see below). Of the 859 individuals asked to take part in the survey, 848 agreed to do so, and 805 submitted valid votes: 659 were a full slate of six preferences, and a total of 164 different opinions (sets of preferences) were expressed ([www.deborda.org/home/2014/8/22/2014-12-scots-referendum-6-option-survey.html](http://www.deborda.org/home/2014/8/22/2014-12-scots-referendum-6-option-survey.html)).

As noted above, majority rule is based upon the fact that decisions in parliaments and referendums are taken by (simple or weighted) majority vote. If, then, the elected chamber could make its decisions in a non-majoritarian methodology, such as the above MBC, there would indeed be little or no further justification for majority rule, be it single-party majority rule, or be it a two- or multiple-party majority or grand coalition. Instead, the democratic structure could be such that, just as the parliament represents all the people, so too the government, as in Switzerland, represents (as best it may) the entire parliament.

### **A MORE INCLUSIVE POLITY**

Any political structure concerns the three elements mentioned in the introduction: decision-making, elections and governance.

Firstly, then, if and when non-urgent matters are controversial, decisions in parliaments and/or referendums should be taken either in a verbal consensus or in a multi-option preference vote, an MBC, so to identify the collective will of that parliament and/or the entire electorate.

Secondly, elections should be based on a similar principle of inclusivity. The MBC is not proportional, so the quota Borda system (QBS), should be used instead (Emerson 2007: 39-60). As is the case with PR-STV, the mathematics of QBS encourage each party to nominate only as many candidates as it thinks will be elected. In a divided society as in Bosnia, for example, where perhaps, in one (sadly now hypothetical) constituency, there might be Catholic, Moslem and Orthodox in a 30:30:30 ratio, each religious grouping could expect to win two or, at the most, three seats. That said, because of the “mystique of the majority,” many ethno-religious communities (and or political

parties, for that matter) often divide into two, one larger party (wing) and one smaller faction. What would probably happen, therefore, in a six-seater constituency, is that each grouping would nominate two plus one candidates, with at least one non-sectarian party also contesting the election as a major player.

In a QBS election, as in an MBC decision, the individual voter is encouraged by the very mathematics of the counting procedure to cast a full ballot. Now there may be other candidates from some other fringe parties standing but, if consideration is given to just the main parties as outlined, then the voter is in fact (not forced but) incentivised to vote, not only across the gender and party divides, but also across the ethno-religious chasm.

The third feature concerns the formation of a government. Some conflict societies have devised various formulas by which a cabinet can be chosen such that each faction is represented in proportional due, but most of these formulas, as in Bosnia, Lebanon and Northern Ireland, tend to perpetuate the very sectarianism the relevant peace agreements—Dayton, Taif and Belfast respectively—were meant to overcome.

Meanwhile, those jurisdictions which have relied on a purely verbal process have often wasted weeks if not months in protracted negotiations, trying to form a government. In 2008, even with the assistance of the UN, Kenya took 70 days to establish a form of power-sharing; Iraq in 2010 took 290 to do the same; and at about the same time, Belgium took 541 days to form a cross-community majority coalition.

An obvious alternative approach would be for parliament to elect its government. Each and every MP could cast his/her preferences in a two-dimensional ballot, not only for those whom he/she wished to be in cabinet, but also for the portfolio in which he/she wanted each of these nominees to serve. The appropriate methodology is known as the matrix vote, (*ibid.*: 61–85), which is based on both the QBS and the MBC. In effect, therefore, each MP would be encouraged to cast a full list of preferences and, like the electorate, to cross the gender, party and sectarian divides. The system is proportional so the outcome is (almost) bound to be an all-party coalition.

When the government has been appointed and the parliament commences its business, standing orders must stipulate that non-urgent decisions can only be taken in consensus, either in a purely verbal process or by concluding the debate with a preferential MBC vote. In any such ballot, every option gets a certain number of points; this score is then divided by the maximum possible score, so to get each option's consensus coefficient.

The latter varies from one, very popular, to zero, most unpopular. Parliament's standing orders would include certain thresholds and, if the most popular option were to exceed this threshold, it could then be enacted. If not, if there were no consensus for a particular course of action, (that is, if the leading options all got similar consensus coefficients), then such an action would not be pursued and the debate would be resumed. An MBC can identify a consensus opinion, only if (albeit at the end of the relevant debate) one actually exists.

Because there are only two ways of voting in any majoritarian parliament—it is either *A* or *B*, much the same as in George Orwell's *Animal Farm*: this good, that bad—it is all too easy for the party whips to ensure that MPs of the governing party vote in favour while their opposite numbers vote against. In a three-option ballot, however—on options *A*, *B* and *C*—there are six different ways any one person may cast a full slate of preferences: *A-B-C*, *A-C-B*, *B-A-C*, *B-C-A*, *C-A-B* and *C-B-A*. In a four-option vote, there are twenty-four possible ways of voting. As mentioned above, in a six-option poll, there are 720 different opinions which may be expressed. And so on. In other words, the very introduction of the MBC and the matrix vote into parliament would spell the demise of this function of the party whips, if not, indeed, of the very basis of party political patronage.

Instead, therefore, of a structure of governance in which there are the current majoritarian norms of party loyalty in parliament and collective responsibility in cabinet, the former principle would be more flexible and the latter would apply to the entire parliament. In coming to an agreed decision by an MBC, parliament would choose the option with the highest average preference—it might be the first preference of very few but, if it is also the second or third of a very large number, then maybe it does indeed get the highest consensus coefficient. If this is more than the pre-determined threshold, the law may be enacted. Whereupon every MP would take on the collective responsibility to ensure that it was successfully implemented; that or they would resign.<sup>9</sup>

In today's majoritarian world, a government based on a majority is supposedly stable, at least in the short term. In a longer perspective, however, a country's government alternating from left-wing to right and then back again can hardly lay claim to such stability. Furthermore, a majoritarian election can sometimes swing from left to right, based on a tiny vacillation of that which is known, in the U.S., as Middle America, or in the UK as middle England, namely, those people who sit at the peak of the normal distribution curve of political opinion.

In a consensual polity, a 2% swing in the electorate would lead to a roughly 2% change in the composition of both parliament and government. In other words, a consensual polity would be more appropriate for a species which would inherently be more peaceful if it were less revolutionary and rather more evolutionary. There will still be disputes and rivalries of course, some ideological, some personal, just as there are within parties. A consensual polity, however, would always cater for the existence of compromise options, which after all is a minimum requirement if accommodations are to be achieved.

### **CONCLUSION**

As mentioned above, consensus voting—the MBC in decision-making, QBS in elections and the matrix vote in governance—has been tried and tested in many scenarios. It works. The methodologies are robust, accurate and, most importantly, ethno-colour blind. While the exclusive majority vote encourages MPs and others to divide into opposing factions, the use of inclusive voting procedures could create an altogether different milieu.

The temptations of power will still be there, of course. Accordingly, there will still be a need for some additional rules on post rotations, free votes, time limits for presidents or premiers, and so on. The introduction of consensus voting would nevertheless make a huge difference, not only in the UN Security Council, international conferences, meetings of EU ministers, national parliaments and regional assemblies, but also in plebiscites on sovereignty, some of which, like the one proposed in a UN resolution of 1947 for Kashmir, could otherwise be disastrous.

Furthermore, when setting the consensus coefficient thresholds, it is possible to calculate the latter to ensure that the required level means that members of both or all of the larger ethno-religious groups in society are involved. In a nutshell, the adoption of such a consensual polity could not only help the resolution of conflicts, it could also be part of an attempt to circumvent others that could possibly emerge in the future: in Nigeria, for example, where the religious-cum-geographical divide has already caused considerable suffering; or in Taiwan let alone Xinjiang, where moves to independence already exist; or in Russia itself, where the ethnic differences between the Slavs and the numerous minorities, from the European Chechens to the Asian Chukchis, are far larger and more numerous than any of the divides which exist in Ukraine. Alas, all too few politicians question majoritarianism, even though it can be a cause of war.

## NOTES

1. The very plural society of India is one obvious exception.
2. Three areas in Croatia largely populated by those of the Orthodox faith; but before the war started, there were even more Orthodox in Zagreb.
3. Kosova is the Albanian-speaker's spelling; the Serbian-speaker prefers Kosovo.
4. At a press conference in Kigali on 6 March 2003, held to launch the Rwandan Government's National Unity and Reconciliation Commission's report on its Peace Process, these words were said by a member of the audience, one Ephraim Kanyarukiga of the Adventis University of Central Africa. The author was in attendance.
5. The author was an election observer for the OSCE in 2004, '06, '07, '10 and '14. Both in Kiev and in a 2009 lecture to the OSCE in Warsaw, he advocated preferential decision-making and electoral systems.
6. The word refers to a meeting, usually of the elders, where reliance was invariably placed on an unhurried verbal consensus.
7. In its original form, as advocated by Jean-Charles de Borda, the Borda Count (BC) followed the  $(m, m-1 \dots 2, 1)$  rule. Over the years, this was changed to  $(n, n-1 \dots 2, 1)$  and then  $(n-1, n-2 \dots 1, 0)$ , which does not cater for partial voting. In which case, as in approval voting or even worse range voting, the BC could morph into a plurality vote, which M de Borda bitterly opposed (Saari 2008: 197), (Emerson 2013: 353–58).
8. Details of many of them are on [www.deborda.org](http://www.deborda.org)
9. This is exactly what happens in other elected bodies, even with majority voting.

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