

Chapter 2

Majority Rule: The Right May Be Wrong

...the custom which some assemblies have of reducing the subject for debate to the most widely supported opinions about it and, if possible, to just two of them.

Le Marquis de Condorcet, 1788; quoted in McLean and Urken (1995: 131).

Abstract Majority rule is based on decisions taken by a (simple or weighted) majority vote. Binary voting, however, is inaccurate. Other more reliable decision-making voting methodologies exist. Indeed, just as there are numerous voting procedures which can be used in elections, so too there are (rather fewer but) several voting procedures which can be used in decision-making. Some of the latter are non-majoritarian. If, then, it were possible to identify the collective will of the elected chamber by a procedure which was non-majoritarian, the logic on which the principle of majority rule is based would become obsolescent. In which case, governance could be based on an all-party coalition. Accordingly, this chapter examines majoritarian decision-making and electoral systems. It questions the democratic legitimacy of forming a majoritarian government, be it a single-party administration or a multi-party coalition. It looks at two other democratic structures, the first consociational and the second consensual, and it analyses other decision-making methodologies. Finally, it outlines a taxonomy of decision-making.

2.1 The Right of Majority Rule

In years gone by, in Ancient Egypt for example, the human ruler was almost deified; that or, as in China, he (or just once a she) was regarded as the son (child) of Heaven. In Europe after the Dark Ages, a little modesty prevailed and, from London to Moscow, citizens at all levels of society believed in the divine right of kings. We now know that right was wrong. In like manner, in years to come, people may well look back and regard, not so much the underlying principle behind the right of majority rule, but the practice of basing such rule on the majority vote, as being a fundamentally flawed interpretation of a true democracy.

At the moment, however, and all too often, international diplomats argue for a democratic norm, the current western structure of majoritarianism, which is based on the following:

- (a) A parliament which represents everybody, although elections to that parliament may be conducted by any one of a number of systems (Sect. 2.1.2), and this allows for another variable: either all MPs are partisan, as is currently the case in Russia, for example (Sect. 4.1.3.6), or some may be partisan and others independent.
- (b) A government of only the bigger ‘half’ of that parliament, such an executive being either a single party or a coalition commanding majority support; *in extremis*, reliance can be placed on a minority administration.
- (c) A ‘loyal opposition’ which is meant to make sure that the government is accountable to parliament.
- (d) A binary decision-making methodology for use in parliament and/or referendums, the (simple or weighted) majority vote although in some countries, occasional use is made of a non-binary procedure.

As shall be seen, this divisive polity has often been, not necessarily *the*, but certainly *a* cause of bitterness and division, if not indeed violence and untold suffering.

In a majoritarian democracy, probably the most divisive structure is a combination of (1) majority voting in decision-making; (2) first-past-the-post, FPP, in elections, and (3) majority rule in governance.

In the paragraphs which follow, attention will focus on elections (Sect. 2.1.2), and then governance (Sect. 2.1.4), but first, the text discusses decision-making and then dichotomisation, the question of why it is that, with regard to both referendums and votes in parliament, “despite the plurality of groups in an environment (rarely are there only two), polarity frequently emerges?” (Horowitz 2000: 182). And polarity, of course, all too frequently descends into division, violence and war.

2.1.1 Decision-Making

Apart from the (simple or weighted) majority vote, there are quite a few other voting procedures which can be used in decision-making. They include: plurality voting, a single preference voting procedure in which the winner may have majority support, or perhaps just the largest minority; the two-round system, TRS, which is a plurality vote followed if need be, i.e., if there is no one option with 50 % plus, by a second-round majority vote between the two top options; the alternative vote, AV,¹

¹ AV, the more common name in decision-making, is the same as (the non-PR version of) STV, the electoral system. It is also known as instant run-off voting, IRV, and preference voting, PV, in the Americas and Australasia respectively.

which is like a series of plurality votes, the option with the least support being eliminated after each round, and its votes being transferred to other options according to the voters' 2nd or subsequent preferences; approval voting, in which the voter is asked to 'approve' of as many options as he/she may wish, without expressing any preferences; and then there are the Borda and Condorcet rules, of which more anon (Sect. 2.2). All are regarded as democratic.

2.1.1.1 Dichotomisation

The world, it seems, and not only the western world, is as it were addicted to majority voting, and this applies to countless scenarios: meetings in civic society, community groups, trades union, business and law; meetings in democratic parties, and in sub-groups of those parties; meetings in tyrannies, like the meetings of Russian revolutionaries (fn. 2 to Sect. 4.1.1.3); meetings of the CPC: in 1961, "Máo [Zédōng]'s 'biggest worry', Lín Biāo wrote in his diary, 'is whether he can get the majority in a vote'," (Chang and Halliday 2007: 575); meetings in elected councils and parliaments, both in sub-committees and in plenary; and meetings in international gatherings.

The methodology has a number of limitations, not least the fact that it often allows those in power to choose the question and thereby control the agenda. To a large extent, this explains why so few of the world's political leaders, western or no, benevolent or no, have paused to consider multi-option forms of decision-making. Little wonder, then, the prevalence of the notion that, to be democratic, decisions must be taken or ratified by a (simple or weighted) majority vote. Yet this binary methodology is unfair and very unsatisfactory.

2.1.1.2 The Right of Self-determination

In 1916, when President Woodrow Wilson first advocated the right of self-determination, it was just assumed that the corresponding voting methodology would be, or even should be, the two-option majority vote. This, then, was to be the instrument by which the colony could gain its independence from the *external* colonial ruler. It was never intended to be the means by which a country could resolve its *internal* problems of secession.

In the latter function, the logic is endless, for it implies that any minority can devise a border (of which both geography and history are replete), and hold a yes-or-no referendum. If a majority votes 'no', the referendum can be repeated, if need be *ad nauseam*, and it becomes a *never-end-'em*. This has happened already in Quebec; it has been legislated for NI in the Belfast Agreement, a repeat poll every seven years or so, (*op. cit.*, Annex A, Schedule 1, para. 3), until eventually a 'yes' is achieved; and it could yet be Scotland's fate (Sect. 3.1.1.1). If and when a majority (eventually) does vote 'yes', the new 'nation-state' can declare independence. It is

generally assumed the vote cannot then be further repeated and the decision reversed.

So, if Ireland leaves the UK, as it did in 1920, NI can leave Ireland, as it did. If Scotland leaves the UK, as it nearly did in 2014, then the Orkney Islands could leave Scotland, as was mooted; or Northumberland could perhaps leave England. Or if, as per the 1947 UN Resolution, such a plebiscite were to be held in Kashmir. . . or if, in the Balkans (Sect. 4.1.1.1), where “if they have the right to leave Yugoslavia, then *we* have the right to stay,”² (Thompson 1992: 272). . . or if, in Nigeria and/or other countries of the Sahel belt, where the religious fault-line is deeper than the tribal one. . . or if, in the Russian Federation, in Chechnya or Tatarstan. . . or if, in China, in (Táiwān), Xīnjiāng or Tibet. . . there was or could be mayhem.

In this function, as shall be seen in the Chaps. 3 and 4, binary voting is hopelessly inadequate. In many other roles as well, majority voting is too divisive and too primitive. Its use must be questioned.

2.1.1.3 The Will of the People

So what is ‘the will of the people’? In political debates, unanimity rarely occurs, so the notion that the will of the majority should prevail has merit; better that, of course, than any minority diktat. Paradoxical though it may sound, however, the right of majority rule as practiced is illogical in the simple fact that one cannot *identify* a majority opinion by a majority vote. An obvious reason for this is because that opinion has to be formulated earlier if it is to be already on the ballot paper. There is nevertheless a widespread belief that “the will of a majority should be paramount.” But this “is *not* the foundation of democracy,” (Dummett 1997: 71), because democracy is for *all* the people, not just a majority, and the democratic process should involve an accommodation, not a confrontation.

In theory, binary voting could perhaps be used (not to *identify* but) to *ratify* a certain proposal, if that is the person who drafts that proposal, through wise counsels and/or widespread consultations, has actually identified the collective opinion. But even then, mathematically, one cannot be sure.

Admittedly, in a very small forum like the UN Security Council, which has just 15 members, it should be possible for a participant to engage with the other 14 so that he can thus identify the common ground.³ In any larger forum, however, in a parliament of hundreds let alone a society of millions, on any topic which is either complex and/or controversial, any use of a majority vote should be regarded as inappropriate.

²The quotation is from Lazar Macura, a Serb in Knin in Croatia, speaking in 1991, four years before that town was ‘ethnically-cleansed’ by Croat forces in Operation Storm.

³This theory does not always work in practice. When the UN Security Council debated Iraq in 2002, France and Germany both opposed the wording of at least one clause, and yet both voted in favour. To claim, therefore, that the 15-nil unanimous vote implied unanimous support was at least disingenuous.

Unfortunately, however, many people think that, to be democratic, decisions should be taken, *either* by a (simple or weighted) majority vote, *or* (they say) in consensus. The latter term is meant to mean that decisions shall be taken in a purely verbal process, without a vote, but with negotiations going on, and on, if need be all-night, until at last all the participants are agreed. Sometimes, then, in inter-party discussions (as has happened, for example in Germany, Sect. 3.1.3.3), or in international conferences on climate change or whatever, agreements are reached—or not as the case may be—when all concerned are not in a fit state to make any decisions.

For obvious reasons, such a methodology is often considered to be unsatisfactory, in which case, the politicians involved resort to what they regard as another very democratic way of doing things: by voting but with a veto. In the UN Security Council again, the five permanent members have that power. So do all 28 member states in the EU.

In short, in politics, it is generally assumed that decision-making should be either a majority vote, if need be with a veto, which means that matters can be controlled; or it should be a verbal process, which means that matters can still be controlled. The notion that the decision-making process should be unpredictable, as it would be if consensus voting were used, many politicians regard as inconceivable (Sect. 6.2.2.4).

2.1.2 Electoral Systems

Sadly, the belief in majority voting and its principal consequence, majority rule, remains. The latter may be a nice ideal. In theory, as noted, it is definitely better than minority rule. In practice, however, it is sometimes not much better, not least because politics has come to be so very exclusive: win-or-lose. Equally sadly, some electoral systems are no less adversarial.

They vary; indeed, there are over 300 of them. One of the simplest is FPP, which is like a plurality vote (Sect. 2.1.1) in decision-making, and Britain has disseminated this system all over the world. A little sophistication appears in TRS, and France has bequeathed this system to a number of her former colonies.

There are also various forms of single-preference proportional representation, PR, like the closed or open list systems. In these, in a closed system, the voter casts a single preference for just one party; while in most open list systems, voters may choose just one candidate of one party.⁴

The more sophisticated systems of PR such as PR-STV and QBS, are preferential. PR-STV, which is STV in multi-member constituencies, requires candidates to get a quota of votes, and any surplus they might have over the quota is distributed to other

⁴ Belgium allows the electorate to vote for more than one candidate of one party, while Luxembourg and Switzerland allow them to vote for more than one candidate of more than one party.

candidates, just as are the votes of any eliminated candidates in a (non-PR) STV or AV, election (Sect. 2.1.1). QBS will be discussed later (Sects. 6.1.1 and AII.4).

In addition, there are some two-tier systems like mixed-member proportional, MMP, as in Germany, which has one FPP ballot in small constituencies and a PR-list ballot in much larger ones, so to ensure overall proportionality. Another two-tier system is used in Denmark, again in small and then large constituencies, but in this instance both are PR-list counts.

2.1.3 *The Mystique of the Majority*

Many people mistakenly think (a) that “Democracy works on the basis of a decision by the majority,” (Government of Ireland 1996: 398); (b) that, as referred to earlier (Sect. 2.1.1.3), a majority opinion can be *identified*, or at least *ratified*, by a majority vote; and (c) that governance should be based on majority rule, with the winner of even just a bare majority, or maybe only the biggest minority, getting the reins of power, at least until the next election (or until a vote of confidence is lost). It is all part of what has been called “the mystique of the majority,” (Dummett 1997: 81), with which most citizens are “imbued,” and they include just about everyone, it seems, from punter to professor, from the press reporter through to the parliamentarian. Another example comes from a rather convoluted clause in Germany’s Basic Law: “The fact that Members of the Bundestag take decisions on behalf of the whole German people. . . is a requirement. . . for majority decision-making.” (Federal Republic of Germany 1998: para. B2, 18.)

Hence, everywhere, majority rule. Governments, they say, must be held to account and questioned. Through questioning, they continue, comes truth. For many, then, majority rule is the very basis of any democracy.

If, however, a real majority opinion could be identified in a more accurate procedure, then maybe majority rule by majority vote could be replaced, and majority rule could be exercised by this more accurate methodology—the Condorcet rule (Sect. 2.2) is one such measure. So majority rule by preference voting could be the norm. Accordingly, if a more accurate procedure of identifying the majority opinion were to be adopted, then maybe a more inclusive polity could be instituted, one based on multi-option debates as opposed to dichotomized arguments.

Or if, to go one stage further, a *consensus* opinion could be identified, and if this were regarded as more democratic than just the majority opinion,⁵ then maybe there would be no basis at all for majority rule—(a consensus opinion will be explained later on, in Sect. 5.2.1)—i.e., no basis for a form of rule which relies on an administration which has the support of only a majority of MPs as expressed in a vote of confidence. For the moment, however, many democracies are stuck with this interpretation of the word ‘democracy’, majority rule by majority voting.

⁵ On some occasions, a consensus opinion will be the same as a majority opinion. On complex and controversial matters, however, they might not be the same.

2.1.4 Governance

Some countries are one-party states, and even some of these classify themselves as democratic, not least the Democratic Peoples' Republic of Korea. At the same time, those which regard themselves as being properly democratic vary enormously, from two-party states like today's US for example, to two-big-plus-two-or-three-small-party states such as Germany, to multi-party states like Denmark or even no-party states, as was originally the case in the US.

Any country which is straddled with the primitive if not Orwellian single-preference electoral system, FPP—like the UK and many former territories of the British Empire—tends to have a two-party system, though one obvious exception is the very plural society which is India (Sect. 4.1.3.4). Such a system usually means that, after an election, the bigger of the two parties then forms the government. It may have only 51 % of the seats; it nevertheless gains 100 % of the power.

Nations with a more sophisticated electoral system often have a more multi-party parliament and, as often as not, no one party with a majority of the parliamentary seats. Such a country may be ruled by either:

- (a) a single party minority administration,
- (b) a minority coalition,
- (c) a single party majority government,
- (d) a majority coalition,
- (e) a grand coalition,
- (f) an all-party coalition,

and, as with so many decision-making and electoral systems, all these forms of rule are regarded as totally democratic.

In both (a) and (b), the party with the largest minority of seats does not share power but seeks support from others, either on a case-by-case basis or, for those based on the Westminster model, in a more formal arrangement called 'confidence and supply' wherein a smaller party agrees to support the larger ruling party in any vote of confidence, its budget and other important matters.

In contrast, in (d), (e) and (f), two or more parties share ministerial posts and (try to) formulate joint policies. If a coalition involves one big party with one or more smaller ones (and maybe too a few independents) such that this combination then has more than 50 % of the seats, it is called a majority coalition. When the two biggest parties come together to thus control a very large number of seats, it is termed a grand coalition. And another possibility is an all-party coalition, which as the name suggests includes all the main parties represented in parliament.

In the negotiations which precede the formation of a coalition, a number of factors are involved. If one big party joins forces with one much smaller partner in a narrow coalition, the former can get most of the ministerial seats and wield more clout, but the overall majority might be small and therefore the government may be vulnerable to as yet unforeseen circumstances, not least the defection or death of an MP or two. In contrast, when two big parties come together in a broad coalition, the

perks of office have to be shared more generously, while in an all-party arrangement, even more compromises are necessary.

The narrow coalition, then, is one which has a fairly slim majority, with therefore not too much post-sharing but some vulnerability; while a broader coalition has a bigger majority and may therefore be regarded as more stable, at least in a majoritarian sense, i.e., for the duration of its term in office.

In theory, coalitions are formed between parties of a similar philosophy; all parties on the right, perhaps, or all from the centre ground, or maybe all on a sectarian basis. In some situations, however, even the diametrically opposite become allies, just for the sake of holding power: for a UK example, see Sect. 3.1.3.2.

It should also be pointed out that, as it were by definition, any political party is a coming together of persons of similar but not necessarily identical viewpoints, and they join forces *before* an election to campaign for a position of power. In contrast, a coalition is sometimes a coming together of persons *after* an election, again in the pursuit of power. Furthermore, as in Afghanistan, some MPs do not belong to any political party and even those who do frequently regard such membership as being fairly fluid; or, as in India, the picture is again sometimes rather confusing, because some parties join coalitions beforehand to fight elections, but then change partners during the election campaign or even after the results have been declared. In summary, not every country in the world takes to the western ‘one-size-fits-all’ model.

2.1.4.1 Forming a Government

Nowhere is perfect, of course, but given the prevalence of western practice and the ubiquitous belief in majority rule, what tends to happen in many democracies is something like this. Firstly, there is a free and fair, open and transparent election by any one of many systems, all of which are deemed to be democratic (Sect. 2.1.2).

Then, in complete contrast, and especially if there is no clear majority in parliament, i.e., if parliament is ‘hung’—and (unless there is a dead-heat) this does not happen in a two-party state, but it can occur in a two-plus-party state, and often does in a multi-party state—there may come a period of uncertainty during which various parties negotiate deals in what can be a rather murky process. Eventually, either a minority administration wins a vote of confidence, or a more solid majority government is formed, a coalition of one description or another, a majority, grand or even all-party coalition, and as long as it has the support of at least 50 % of the MPs, it too will be regarded as totally democratic.

The subsequent work of this executive will then be questioned and scrutinised by a parliament which bases its decisions on only one of many decision-making systems (Sect. 2.1.1), a (simple or weighted) majority vote.

Meanwhile, of course, again in stark contrast but for reasons which are glaringly obvious, especially in a narrow coalition, decisions in cabinet are *not* taken by

majority vote; instead, ministers in cabinet rely on a mainly verbal process. The contradictions, then, are many.

2.1.4.2 Majority Rule: A Conclusion

As shall be suggested in Chap. 4, the situation in many conflict zones might well have been less violent if the country concerned had adopted a form of power-sharing from an earlier instance, if not indeed from the time when the new state first became democratic. It might therefore be said that if the West itself practiced cross-community or all-party power-sharing, and not just Belgium because of its two (three) linguistic groups, not just NI because of the Troubles, and not just Switzerland whose democratic structure is in many respects unique, that maybe the post-wwii world would have been far more peaceful.

2.1.5 Majoritarianism

In summary, then, it seems that in a western definition of democracy:

- any election system is just fine;
- in contrast, in any elected chamber, only one decision-making system is appropriate, the (simple or weighted) majority vote,⁶ although admittedly multi-option voting, normally under TRS, can be and has been used in quite a few referendums, (Emerson 2012: 163–165);
- while in parliaments, any combination of MPs from no matter which and/or how many parties, as long as they make up 50 % of the seats, is also just fine.

The theme of forming a government will be discussed further in Sect. 5.1; in the meantime, attention turns to other potential forms of decision-making, which might then have a bearing on other possible forms of governance.

2.1.6 Consociationalism

There are countless problems which stem from the ‘mystique of the majority’. One recent example is the Sunni-Shia clash in Yemen. Other rather more mundane problems occur in ‘normal’ democracies, as when, for example, the US political

⁶The main exceptions appear in Scandinavia: The Finnish and Swedish parliaments use serial voting, a series of majority votes, when voting on amendments; the Norwegians have provision for, though seldom use, TRS in decision-making; while in a plurality vote, “a member of the Danish Parliament has three voting options when voting on a bill: Yes, No, Neither for nor against.” (Private correspondence, Danish Embassy London, 31.3.2015.)

system becomes dysfunctional because the party in opposition has a vested interest in the failures of the party in government; this concerns the entire spectrum of political discourse, with recent examples ranging from ‘Obama-care’ to the Iranian nuclear question.

Despite these problems, majoritarianism is still promoted, not only by those who benefit from it—the politicians in power—but also by the media and academia; indeed, “there is a surprisingly strong and persistent tendency in political science to equate democracy solely with majoritarian democracy,” (Lijphart 2012: 6). All too little consideration is given, he argued, to consociationalism, the methodology promoted for plural societies and most famously deployed in Belgium.

Consociationalism—the notion that, in a yes-or-no majority vote in a plural society, if a majority of one community say ‘yes’ and a majority of the others also say ‘yes’, then ‘yes’ it shall be—is much better than ordinary majority voting. But the vote is still majoritarian; the question therein is still dichotomous; and the electorate—be it in the Chamber of Deputies (Belgium), the Assembly (NI), or the country at large (Cyprus)—is divided into two electorates, and the outcome will only be enacted if it gains majority support in both constituencies, in both groups in parliament or the relevant jurisdiction. Thus this methodology perpetuates the very sectarianism it was supposed to obviate. Thus too, either side has the power of veto, and this is a recipe for impasse, even more so in a three-sided society like Bosnia, (see below). Nevertheless, consociationalism has sometimes been the basis of a peace process.

2.1.6.1 Northern Ireland

To use a binary voting procedure in a land which has suffered a binary conflict of violence is at least unwise, especially if the issue in question is contentious; (cf. Sect. 4.1.1.1 for the 1973 border poll). One of many obvious examples comes from Belfast where many people have always been and still are concerned over the question of which flag(s) if any should be flown on public buildings.

In December 2012, the Alliance Party put forward a compromise motion in Belfast City Council, and this was then voted on, ‘yes’ or ‘no’? Alliance voted ‘yes’, of course; it was their motion. SF voted ‘yes’, of course; they won a little. The DUP and UUP voted ‘no’, of course; they did not want to lose anything.

In one interpretation, then, Alliance voted with SF. Accordingly, on the streets, the former was painted as being on the same side as the latter, and protests raged. Yet that topic was obviously multi-optional: one flag every day, no flags ever, alternate flags on alternate days, the UN flag, or whatever. Surely, there should have been a debate on whichever options were proposed, and then a multi-option preference vote. At the very least, everyone would then have known that Alliance was *not* the same as SF, and maybe some of the subsequent violence might have been avoided. Such, however, is the ubiquitous mystique of the majority that, along with the rest, the Alliance Party also shows little interest in multi-option decision-making.

Consociationalism is a major part of the Belfast Agreement, but it only applies to certain ‘key’ decisions in the Assembly. It is part of the package that has brought an end to the violence, so it is to be applauded.

But, as noted, it is still dichotomous. It is still the politics of win-or-lose. Those concerned, the MLAs, have to ‘designate’ themselves as to which side they are on, prior to the vote, and the methodology gives more power to those who designate themselves to be either/or, either Unionist or Nationalist, and less to any members of the Alliance Party or the Greens, who choose to designate themselves as ‘other’; the latter may thus have little or no power in the vote. That, however, is the basis of the Belfast Agreement: it stipulates “arrangements to ensure key decisions are taken on a cross-community basis; (1) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting; (2) or a weighted majority (60 %) of members present and voting, including at least 40 % of each of the nationalist and unionist designations present and voting.” {Belfast Agreement 1998: Strand One, para. 5 (d).}

The NI peace process was conducted by local politicians, British and Irish officials, along with some international mediators, mainly from the US. They all succumbed, it seems, to the mystique of the majority. To an objective observer, the underlying idea of the Belfast Agreement was that, instead of rule by a majority of Unionists to the exclusion of the Nationalist minority—and majority rule had been a cause of the Troubles—there should now be rule by a majority of the ‘nice’ people, members of the UUP (and not the more extreme DUP) plus those of the SDLP (and not those of SF, who were also regarded as beyond the pale). In 1998, in the first Assembly elections, the UUP and SDLP won 28 and 24 of the 108 seats, well ahead of the DUP and SF on 20 and 18, so all went according to plan. Then, however, at the second post-Agreement Assembly election of 2003, it all backfired when the ‘unnice’ people, the DUP and SF, won a majority of Unionist and Nationalist seats: 30 (to the UUP’s 27) and 24 (to the SDLP’s 18).

2.1.6.2 A Tale of Two Peace Processes: Bosnia and NI

Consociationalism can still be regarded as more democratic than just ordinary majority voting. At least, as in Bosnia or NI, all three or both communities are involved. In these more complex scenarios, however, it has not proved to be successful.

Prior to the 1990 elections in Bosnia, “The three national parties,”—the mainly Bosniak Party of Democratic Action SDA, the Croatian Democratic Union in Bosnia, HDZ BiH, and the Serb Democratic Party, SDS—“had secretly agreed... to form a coalition government,” (Silber and Little 1995: 232). Accordingly, “[Alija] Izetbegović,” the founder of the SDA, “formed what was in effect a GNU, constructed out of a formal coalition between all three major [and to varying degrees sectarian] parties, and the government posts were shared out between them.” (Malcolm 1996: 223.) As in the post-war Dayton Agreement, a form of power-sharing was agreed to, government posts were allocated to each of the three, but no attempt was made to

move beyond a consociational form of majority voting. So, in effect, each of the three parties had a veto; in other words, each could be negative if they wanted to. It would have been better, surely, if each had been required to be positive, to say ‘yes’ to something (Sect. 1.1). In so far as at least the SDS was concerned, to extrapolate a well-known metaphor, this was a case of allowing the camel to be inside the tent and yet still to ‘piss’ over everything: “In its eighteen-month-long existence, the Bosnian parliament failed to pass a single law,” (Glenny 1996: 148). Then there was war, 1992–1995.

The Bosnian and NI peace processes were very different. In Bosnia, for instance, it was decided that certain individuals had committed war crimes like the genocide in Srebrenica so, once found, those indicted were sent to The Hague as possible war criminals. In NI, where the British Government was sometimes, as it were, one of the combatants, it was decided that, while there had been many crimes, there were to be no indicted war criminals at all; instead, two of those who some considered had been responsible for much of the violence were appointed as First Minister and Deputy First Minister: Ian Paisley and Martin McGuinness.

A second difference lies in the facts that, while the Dayton Agreement disallows referendums, the Belfast accord endorses one. *Republika Srpska* and *Herzeg-Bosna*, are not allowed to exercise their ‘right’ to self-determination and secede from Bosnia, so to join Serbia and Croatia respectively, even though many Bosnian-Serbs are still calling for such a plebiscite. The Good Friday Agreement, in contrast, implies that a referendum is the very foundation of a peaceful settlement. As noted, consociationalism may be used in the NI Assembly. When it comes to any referendum and the general electorate, however, there are to be no designations because, unlike Cyprus⁷ where the two communities live separately, in NI, many areas are very mixed, so there can be only the one electoral register. Accordingly, at some stage in the future, the people will vote on the question “Are you British or Irish?”—the very dichotomy on which the fighting was fought—as if this stark either/or choice has somehow morphed into a nice peaceful question. What’s more, if the Irish side loses, everyone will just wait for seven years or so before having another ballot, and another, and another. . . another Quebec-style *never-end-’em* (Sect. 2.1.1.2). . . until eventually the Irish side does win.

That said, there is a lot of common ground between the two accords. Both brought an end to the violence. Both initiated a form of power-sharing (Sects. 5.1.2.2 and 5.1.2.3). But both are full of references to majorities and minorities. In Bosnia, where no one group has a majority (Sect. 1.1.1.1), and in NI, where numerically the two nominal groups are becoming demographically more and more equal, decisions in councils and assemblies shall continue to be taken by (simple or weighted, i.e., consociational) majority vote. For Bosnia’s House of Representatives, for example, “All decisions in both chambers shall be by a majority of those present and voting.” {Dayton Agreement 1995: Article IV,

⁷ In 2004, the people of Cyprus voted on a UN-brokered peace plan. There were two electoral registers: the Greek Cypriots said ‘no’ by 75.8 %, while the Turkish Cypriots said ‘yes’ by 64.9 %. In effect, then, a majority of the former applied a veto.

para. 3 (d), 36.) Similar quotes abound although, to be fair, it also says, “The Presidency shall endeavor to adopt Presidency Decisions. . . by consensus,” (*ibid*: Article V, para. 1 (c) 37), but that, of course, implies a purely verbal agreement. Multi-option voting, let alone preference voting, was not ever and is still not on the agenda. The same is true in Belfast, it is all so very majoritarian. The Agreement acknowledges, “that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland’s status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people.” {Belfast Agreement 1998: Article 1, para. (iii)}. It is full of the consent of a majority; no attempt is made to find a way by which it might be possible to identify the consent, the will of the people, of all (or nearly all) of them, and not just of 50 % plus one, as in Scotland (Sect. 3.1.1.1).

2.1.7 A Consensual Polity

When countries are confronted by an internal or external crisis, they sometimes resort to an all-party coalition. Such was the case in UK during WWII, for example. In like manner, when the 2008 economic crises occurred in Ireland and Greece, or as was the case in Ukraine (Sect. 4.1.3.7), when there was a major outbreak of inter-communal violence, many were the calls for a GNU.

Other terminologies convey the same meaning. The international community has often asked for “inclusive government” to be formulated in Iraq, not least in 2014 before the self-declared Islamic state of ISIS, (ISIL or *Daesh*), which is extreme Sunni, began to threaten the very unstable supposedly Sunni/Shia/Kurd government in Baghdad, itself just recovering from a terrible sectarian conflict between the two Islamic sects, which in turn was a result of the US/UK invasion of 2003. In like manner, since the chaos which has followed the end of Muammar Gaddafi’s dictatorship in 2011, there have been frequent calls for a “national unity government” in Libya, to name another instance of where armed intervention has had unforeseen and unfortunate consequences.

As happens in so many parts of the world—Abhazia, Bahrain, Bosnia, Cyprus, Fiji, Israel and Palestine, Kashmir, Myanmar, Nagorno-Karabakh, NI, Rwanda, etc.—problems are often described in terms of majorities and minorities. In 2007, for example, an FPP and therefore very adversarial presidential election in Kenya was followed by some horrific post-election violence (Sect. 4.1.3.2), so power-sharing became a very necessary ingredient of the subsequent negotiations.

Phrases like “GNU,” “power-sharing,” “national unity government” and “inclusive governance” normally imply the very opposite of majority rule. Instead of government being the monopoly of a majority in confrontation with any others, it is implied that rule has to be based on the co-operation of all, and, *inter alia*, ministerial posts have to be shared.

Unfortunately, to date, this has often been effected either on the basis of party political affiliation, as in Switzerland (Sect. 3.1.3.1), or according to confessional beliefs, as in Lebanon as per the Taif Agreement, or as noted above on religious or political demarcations as in Bosnia and NI. Unfortunately, like all of the above accords in conflict zones, the Belfast Agreement “reinforces and perpetuates sectarian division,” (Taylor 2009: 320).

It would be better, therefore, if parliament could elect its executive by means of an ethno-colour blind voting procedure, and obviously, such a procedure would have to be under a system of PR. More of all this later on (Chap. 6). It would also be a good idea to identify a voting procedure by which a power-sharing executive and/or parliament could vote on a consensual decision, but because the mystique of the majority is so prevalent, such a process has rarely if ever featured in any international peace agreement. Accordingly, attention shall now be turned to some of the more common decision-making procedures.

2.2 An Analysis

Consider the following voters’ profile, Table 2.1, in which twelve individuals, i to u , cast their preferences on one, some or all of six options, **A**, **B**, **C**, **D**, **E** and **F**.

This profile can be analysed according to several methodologies: (1) plurality voting; (2) TRS; (3) AV; (4) approval voting; (5) the BC,⁸ a points system which does not cater for partial voting; (6) the Modified BC or MBC, which does cater for partial voting⁹; and (7) the Condorcet rule, in which the options are examined one pair at a time, **A** and **B**, **A** and **C** ... **B** and **C**, **B** and **D** ... **E** and **F**, 15 in total, to see which option wins the most pairings.

The analyses of the social rankings are shown in Table 2.2, with the respective social choices listed in the ‘First’ column.

So the social choice, the collective decision of these twelve voters, could be **A** or **B** or **C** or **D** or **E** or **F**. In other words, it could be anything at all. Yet because these procedures all involve a vote of some sort, they are all regarded as democratic.

Of the methodologies listed, only four of them—AV, BC, MBC and Condorcet—ask the voters to list all of their preferences, so only these can definitely be regarded as inclusive; of these four systems, only three of them—BC, MBC and Condorcet—take all references cast by all voters into account, so only these might be accurate; of these three, only two—MBC and Condorcet—encourage (but do not force) the voters to cast full ballots, so only these two are appropriate; and of these two, only one, the MBC, is non-majoritarian.

⁸In a ballot of n options, points are usually awarded to (1st, 2nd ... penultimate, ultimate) preferences according to the $(n, n-1 \dots 2, 1)$ or $(n-1, n-2 \dots 1, 0)$, regardless of how many preferences the voter has cast. The former rule is used in the analyses of Sect. 2.2.

⁹In a ballot of n options in which the voter has cast m preferences, where $n \geq m \geq 1$, points are awarded to (1st, 2nd ... penultimate, ultimate) preferences according to the rule $(m, m-1 \dots 2, 1)$.

Table 2.1 A voters’ profile

6 options	12 voters’ preferences on 6 options											
	<i>i</i>	<i>j</i>	<i>k</i>	<i>l</i>	<i>m</i>	<i>n</i>	<i>p</i>	<i>q</i>	<i>r</i>	<i>s</i>	<i>t</i>	<i>u</i>
A	1	1	1	1	4	6	6	6	6	–	6	6
B	2	3	5	5	1	1	4	4	4	4	4	5
C	3	2	–	2	2	3	1	3	3	3	3	4
D	4	–	2	–	3	2	2	2	2	2	2	3
E	5	–	3	3	5	4	3	1	1	5	5	2
F	6	–	4	4	6	5	5	5	5	1	1	1

Table 2.2 The analyses of Table 2.1

Methodology	Social rankings					
	First	Second	Third	Fourth	Fifth	Sixth
Plurality vote	A -4	F -3	B / E -2	–	C -1	D -0
TRS	F -7	A -5	–	–	–	–
AV	E -7	A -5	–	–	–	–
Approval ^a	B -12	A / C / E / F -11	–	–	–	D -10
BC	C -48	D -46	B -42	E -40	F -34	A -33
MBC	D -44	C -43	E -37	B -36	F -31	A -28
Condorcet	D -5.0	C -4.0	B / E -2.5	–	F -1.0	A -0

^aSome approval voting analyses work on the basis of counting only certain preferences. For example, in Table 2.2, if only 1st and 2nd preferences are counted, the social choice is option **D** with a score of 7; options **A** and **C** are joint second with 4 points, and the others, **B**, **E** and **F** have 3 points

As seen in the above theoretical example and as has been seen in practice on many occasions, MBC and Condorcet counts often give similar if not identical social choices/rankings. (How else could they both be regarded as accurate?) Indeed, some would argue that there are only “two defensible procedures for aggregating votes: the Condorcet rule and the Borda rule. The Condorcet rule selects the option (if one exists) that beats each other option in exhaustive pairwise comparisons. The Borda rule selects the option that on average stands highest in the voters’ rankings.” (McLean and Shepherd 2004: W11.) What’s more, for those not captivated by the mystique of the majority, “Borda’s criterion is the soundest method of identifying the [option which] is most generally popular with the electorate, or at least the most acceptable.” (Dummett 1997: 71).

2.2.1 Partial Voting

The profile chosen, Table 2.1, included eight voters who had cast full ballots. Consider what would have happened if the two who gave option **B** their 1st preference—Mr *m* and Ms *n*—had submitted partial votes instead, as shown in Table 2.3.

The analyses would be as shown in Table 2.4.

Table 2.3 A second voters’ profile

6 options	12 voters’ preferences on 6 options											
	<i>i</i>	<i>j</i>	<i>k</i>	<i>l</i>	<i>m</i>	<i>n</i>	<i>p</i>	<i>q</i>	<i>r</i>	<i>s</i>	<i>t</i>	<i>u</i>
A	1	1	1	1	–	–	6	6	6	–	6	6
B	2	3	5	5	1	1	4	4	4	4	4	5
C	3	2	–	2	–	–	1	3	3	3	3	4
D	4	–	2	–	–	–	2	2	2	2	2	3
E	5	–	3	3	–	–	3	1	1	5	5	2
F	6	–	4	4	–	–	5	5	5	1	1	1

Table 2.4 The analyses of Table 2.3

Methodology	Social rankings					
	First	Second	Third	Fourth	Fifth	Sixth
Plurality vote	A-4	F-3	B/E-2	–	C-1	D-0
TRS	F-6	A-4	–	–	–	–
AV	E/F-6^a	A-4	–	–	–	–
Approval	B-12	A/C/E/F-9	–	–	–	D-8
BC	B-42	C-39	D-37	E-35	F-31	A-29
MBC	D-35	C-34	E-32	F-28	B-26	A-24
Condorcet	D-5.0	C-4.0	B/E-2.5	–	F-1.0	A-0

^aIn the penultimate stage, **A** has 4 votes while both **E** and **F** have 3. If **E** is eliminated, all 3 votes go to **F**, while if **F** is eliminated, its 3 votes all transfer to **E**

Needless to say, partial voting does not affect any plurality vote analysis, and its impact on TRS and AV is also small. With approval voting, however, intransigence (in the form of expressing only a 1st preference) has certainly helped the supporters of option **B**, and the same is true in any BC analysis. To claim, therefore, that approval voting is consensual is at least questionable if not hopelessly incorrect; or, for that matter, to suggest that it is inclusive is also erroneous, because any full ballot—i.e., an ‘approval’ for every option—is the same, mathematically, as abstaining. In an MBC, however, option **B** has suffered a fall in popularity, which serves to emphasise the point that the MBC does indeed encourage voters to submit full ballots.

2.2.2 The MBC and Governance

The MBC, it must be emphasised, is non-majoritarian. If it were adopted as the norm by which non-urgent matters of complexity or controversy were to be resolved, there would be no further justification for majority rule (Sect. 2.1.3). And in a more inclusive polity, just as parliament should represent all the people, so too, government should represent the entire parliament.

This is not to say that, in any consensual polity, policies will not also be examined, scrutinised and questioned, just as they are in any majoritarian structure. After all, in any gathering, and in any one political party, on every controversial subject, there will always be those with different opinions, and therefore with different preferences. All concerned, however, should be able to express their preferences—in free votes—without falling into two permanent opposing factions.

Given, however, the mystique of the majority which still dominates the world of politics, (business and law), it is necessary to summarise what is involved in decision-making, and to lay down criteria by which different types shall be classified.

2.3 A Taxonomy of Decision-Making

Decision-making may be defined on an analysis of how decisions may be taken, both within parliaments and in other settings such as referendums. This taxonomy classifies political decision-making on two features of the voting procedures: (a) the number of options, and (b) whether those procedures are majoritarian or non-majoritarian in character.

- In a **dictatorial** procedure, a powerful individual chooses the question to be voted on and, in many such ballots, the phrasing of the question virtually determines the answer. The most obvious examples concern decisions taken in plebiscites, party caucuses and parliaments held, respectively, by dictators like Napoleon Bonaparte, Vladimir Ilyich Lenin and Adolf Hitler amongst others, (Emerson 2012: 143–150), not least to provide a veneer of legitimacy to their regimes.
- In an **adversarial** procedure, decisions are made by simple or weighted majority voting on for-or-against alternatives. One example is a contested yes-or-no referendum, where the electorate is asked to choose between endorsing and rejecting a proposal. Adversarial procedures are also used in nearly all elected assemblies and so, in these situations, political leaders have considerable powers as and when even the most complex problems are reduced to dichotomies—or a series of dichotomies—with the subsequent votes taken on a ‘for-or-against’ basis. It may be a simple or a weighted majority vote, and a minimum turnout or quorum may be required.
- In some divided societies such as Belgium and Cyprus, the electorate in parliament and/or the country at large is divided into two, and in such **consociational** systems, a decision is enacted only if it gains majority support in both constituencies.
- In a **plural** procedure, decisions are made from a list of more than two options. Like binary voting though perhaps a little less so, these procedures are still fundamentally majoritarian. The simplest is plurality voting (Sect. 2.1.1), in which members of the given electorate may vote for one option only and the

Table 2.5 A taxonomy of decision-making

		Procedure	
		Majoritarian	Non-majoritarian
Number of options	1	Dictatorial	–
	2	Adversarial	–
		Consociational	–
	>2	Plural	Consensual

option with the highest number of votes wins. In a more complex TRS (Sect. 2.1.1), members may vote for one of several options in the first round, and if no one option gains a majority, the decision between the two options with the highest totals is made by a majority procedure in the second round. A few jurisdictions, New Zealand, Sweden and Uruguay, for example, have used multi-option voting with either plurality voting and/or TRS in referendums of from three to five options. Norway has used TRS in parliament but not very often; the Danish Parliament often uses a three-option form of plurality voting. The most accurate plural procedure is the Condorcet rule which, on the basis of the voters’ preferences, identifies that option (if there is one) which wins the most pairings. As noted above, however, nearly all elected chambers use majority voting.

- Finally, in a **consensual** procedure, decisions are made from a list of more than two options by means of a non-majoritarian process such as the MBC (Sect. 2.2). With n alternatives, each voter gives m preferences—where $n \geq m \geq 1$ —and where m points are awarded to their 1st preference, $m-1$ points to their 2nd preference, and so on. The option chosen is the one with the highest total score. To date, it is understood that only one elected chamber has used a consensual procedure in decision-making: Dublin City Council (Baker 2014: 1–6).

The taxonomy, then, is as shown in Table 2.5.

The degree of inclusivity, the extent to which a decision taken can be described as democratic, increases (a) as the number of options increases to be in excess of two, and (b) as the voting procedure becomes more consensual.

For decision-making, the recommended methodology is the MBC (Sects. 5.2.1 and AI); and the appropriate electoral system is based thereon: QBS (Sects. 6.1.1 and AII.4).

2.4 Conclusion

As is only to be expected, appointing an all-inclusive executive can be problematic, especially in conflict zones. The need, then, for a robust but accurate, proportional but ethno-colour blind voting procedure, by which all the MPs can elect a power-sharing administration, needs little emphasis. The procedures on which a power-sharing assembly might base its decision-making will be discussed in Chap. 5.

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<http://www.springer.com/978-3-319-23499-1>

From Majority Rule to Inclusive Politics

Emerson, P.

2016, XXVI, 146 p. 3 illus., 1 illus. in color., Hardcover

ISBN: 978-3-319-23499-1