Can Rights Be Wrong? Towards a Less Majoritarian More Inclusive Democracy

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Abstract: Catastrophic changes to our climate, numerous conflicts of majorities versus minorities, and now Covid-19 tell us that we must start working not *against* but *with* each other. Majority rule, however, 'binary majority rule' is divisive; furthermore, it is ubiquitous. Indeed, it is well entrenched, for the right of majority rule along with the right to self-determination are often regarded as the very foundation stones of democracy and, on these bases, (a) decisions are taken in binary votes, and (b) nearly every democratic government is formed from only the bigger 'half' of its parliament's MPs. A more inclusive form of governance might be possible if decisions were based on multi-option or, better still, preferential voting.

1. Introduction

There are lots of electoral systems in the world, and they vary from the unfair via the mediocre to the accurate. There are rather fewer decision-making systems, but these too lie on a spectrum of increasing precision.

For reasons odd, nearly all electoral systems are regarded as democratic. In stark contrast, only one decision-making methodology is seen to be acceptable (although others may occasionally be used): it is the two-option, for-or-against majority vote. It may be simple or weighted; in conflict zones, it may be consociational; in the EU, it is qualified; and it may be twin – in Switzerland for example, two majorities may be required, both of the voters and of the cantons. But the question posed is binary.

In a word, democracy is majoritarian and, as a direct consequence, even the most complex of problems are often resolved in simple yes-or-no majority votes, or a series of such ballots. Therefore, the question is indeed dichotomous. Therefore politics is adversarial. And therefore some administrations are dysfunctional, whole societies sometimes split, while in the worst instances, this majoritarianism provokes violence.

It need not be so. There are other voting procedures for identifying majority opinions. What's more, some of them are more accurate, and therefore more democratic. A few are non-majoritarian, and therefore more inclusive. It follows that there are also different forms of governance, some of which may deserve new terminology, such as 'preferential majority rule'.

Accordingly, this article first considers the inherent weaknesses of binary voting – a procedure which is sometimes inappropriate if not also incorrect. Next, the text compares this methodology with other more accurate, and therefore more democratic mechanisms; then, after briefly recalling majoritarianism's often horrific history, a litany of wrongs based on rights, it will postulate a more inclusive polity.

2. Voting Theory

Minority rule, as exercised by the absolute monarchs of old or the even more powerful modern dictators, had to be replaced; its supposed opposite, majority rule, seemed to be the obvious choice – better the wisdom of many, it was thought, than the whims of one.

The question, then, was (and still is) how to identify the will of the majority. Needless to say, in many contentious disputes, unanimity was impossible. The answer was to find that option which catered for "the greatest happiness of the greatest number," Jeremy Bentham's phrase: the superlative. Unfortunately, to put it at its mildest, humankind has come to use a decision-making methodology which is only comparative.

Now as it were by definition, whenever a complex and/or controversial problem arises in a modern pluralist democracy, there is bound to be, at least in theory, a plurality of possible solutions. (Indeed, peace negotiations invariably require, not only all concerned to be involved, but also, every option to be 'on the table'.) If, however, there are lots of persons and lots of opinions, and if there is no majority *in favour* of any one thing, there is bound to be a majority *against* every damned thing, (as was manifestly evident in Britain on Brexit). In a nutshell, whenever there are three or more options, binary voting is often inadequate. This truism, by the way, was first noted by Pliny the Younger in the year AD 105.

For this reason, a whole series of rules were devised and, the same Pliny the Younger wrote, those involved "learned... the powers of the proposer, the rights of expressing an opinion, the authority of office holders, and the privileges of ordinary members; they learned when to give way and when to stand firm, how long to speak and when to keep silence, how to distinguish between conflicting proposals and how to introduce an amendment, in short the whole of senatorial procedure." (McLean and Urken 1995: 67.)

Although these guidelines have lasted for some 2,000 years, they too may perhaps sometimes be inadequate. Consider the situation when Ms *i* moves option *A*, Mr *j* suggests an amendment which, if adopted, would produce option *B*; Ms *k* proposes a different amendment, a possible option *C*; and there is the *status quo ante*, option *D*. If just these three people wish to come to a collective decision, the procedures referred to are as follows: choose the more popular amendment; next, identify the substantive; and then take the final decision. So there shall be three votes: first *B* v *C*; next *B/C* v *A*; and then this substantive v *D*.

Well, if these three people's sets of preferences are *A-B-C-D, B-C-D-A* and *C-D-A-B*, *B* beats *C*, *A* beats *B*, and *D* beats *A*; so the outcome, the trio's social choice, is option *D*, by 67%. All three persons, however, prefer *C* to *D*; so the procedure is wrong! Majority voting in this instance (and many another) does not and cannot work, because it is binary.

It is a bit like taking the temperature of a suspected coronavirus patient with a thermometer which registers only 'hot' or 'cold'. Normally, of course, these instruments are calibrated to the nearest degree, or even to a decimal place. Likewise, when seeking to identify a social choice on some topic, society's collective will for the various options would best be measured, not with a tool marked just 'for' or 'against', but one which catered for public opinion's degrees of enthusiasm.

Majority voting is a crude instrument and yet, (in business, law and civic society generally, let alone) in politics, questions of huge significance are invariably based on simple yes-or-no questions. Now it could work in a very small setting, in theory. In a committee of a dozen or so, it should be possible for the movers of a resolution to negotiate with all concerned, to ensure their final vote is in favour. In a parliament of hundreds, however, let alone in a country of millions, this is impossible. Maybe a more precise voting procedure would be more appropriate.

3. Multi-option Voting Procedures

In a majority vote, the choice is limited: it's either "Option *X* or option *Y*?" or maybe only "Option *X,* yes or no?" In either format, the voter chooses 'this' good, implying that the alternative is bad; and it's all very Orwellian. Furthermore, be it simple or weighted, there is only one way of counting a binary vote: those 'in favour' and those 'against' – it's either 'hot' or 'cold' – and the outcome is whichever gets the more votes: 50% +1, or some weighted percentage +1; it's all win-or-lose.

In multi-option voting, there are lots of possibilities: voters might wish to support one or more than one option, or even to express their preferences; then, in the count, in either one round or a knock-out procedure, the winner may be the option with the greatest number of 1st preferences, the least number of last preferences, the highest average preference, or whatever.

Single preference voting procedures like plurality voting and the two-round system, (TRS), are a slight improvement on majority voting in that they offer a little more choice; all too often, however, the media and others reduce these ballots to a contest of two favourites, and the improvement if any is minimal. In approval and range voting, it's still 'this' or 'these' good and everything else not good, so these methodologies are also Orwellian. With preference voting, the alternative vote (AV),[1] is like a knock-out based on plurality votes; while with the Borda and Condorcet rules, all preferences cast by all voters are included in the count.

Consider a committee of 15 members debating five options, *A, B, C, D* and *E*, and let it be assumed that they have the voters' profile as shown in

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[1] Known in North America as instant run-off voting (IRV), and when used in decision-making in Australasia as preference voting (PV), it is the same as the single-transferable vote (STV) in the latter's non-PR format.

Figure 1; nine of them cast full ballots, and six submit only partial votes; all 15 votes are valid.

Preferences	Number of Voters				
	5	4	3	2	1
1st	*A*	*E*	*D*	*C*	*B*
2nd	*B*	*D*	*C*	*B*	-
3rd	*C*	*C*	*B*	*D*	-
4th	*D*	*B*	-	*E*	-
5th	*E*	*A*	-	-	-

Figure 1: The Voters' Profile

The 15, it seems, are bitterly divided. While five voters with preferences *A-B-C-D-E* are opposed by four with the exact opposite *E-D-C-B-A*, the remaining six voters think so little of either of the nine's 1st preferences, *A* or *E*, they give no support at all to one and minimal to the other. So overall, neither *A* nor *E* represent the collective will. Maybe option *C*, the 1st, 2nd or 3rd preference of almost everybody, is the best possible compromise. But what happens in practice?

+ In plurality voting, the social ranking is *A*-5, *E*-4, *D*-3, *C*-2, *B*-1, and so the social choice is *A* with a score of 5; it's not the majority opinion, but it does have the largest minority.

+ In TRS, the second round is a majority vote between *A* and *E* and, if the voters' preferences stay the same, the social choice is now *E* with a score of 6.

+ Approval voting can be measured in a number of ways. Four of these interpretations count all the 1st and 2nd preferences as 'approvals', all the 1st, 2nd and 3rd preferences, all the 1st – 4th preferences, or all the preferences cast. So the final social rankings could be *B-D-A/C-E, C-B-D-A-E, B-C/D-E-A* or *B-C/D-E-A* respectively, and the social choice could be *B* or *C*. With range voting, it's worse: the answer could be anything at all; so range voting does not feature in Figure 2. Both of these methodologies incentivise the intransigent to remain so.

+   With AV, the stage (i) score is as above in the plurality vote, *A*-5, *E*-4, *D*-3, *C*-2, *B*-1. There are no transfers from option *B*, so stage (ii) is *A*-5, *E*-4, *D*-3, *C*-2; this spells the end of *C*, and its 2 votes are transferred (not to *B* which has been eliminated but) to *D* for a stage (iii) score of *A*-5, *E*-4, *D*-5; hence a final score of *A*-5, *D*-9. So *D* is now the democratic choice. AV can be rather capricious.

+   In a preferential points system of voting, the Borda count (BC) or the modified Borda count (MBC) (see para 7 below), the final scores are *A*-29, *B*-50, *C*-49, *D*-47, *E*-29 (BC) and *A*-29, *B*-38, *C*-41, *D*-39, *E*-27 (MBC), so while the BC winner is option *B*, the MBC winner is option *C*.

+   A Condorcet count compares all the pairings – *A:B, A:C… B:C… D:E*, all ten of them – to see which option wins the most; the Copeland scores are *A*-0, *E*-1, *D*-2½, *C*-3½, *B*-3, so the Condorcet winner is also option *C*.

With only slight variations in their social rankings, the MBC and Condorcet give what was assumed to be the correct social choice, *C*, as shown in Figure 2.

Methodology		Social Choice	Social Ranking
Majority voting	"*X*, yes-or-no?	Nothing	**-**
	"*X* or *Y*?"	Almost anything	**-**
Plurality voting		*A*	*A-E-D-C-B*
TRS		*E*	*E-A*
AV		*D*	*D-A*
Approval voting		*B*	*B-C/D-E-A*
BC		*B*	*B-C-D-A/E*
MBC		*C*	*C-D-B-A-E*
Condorcet		*C*	*C-B-D-E-A*

Figure 2: The Outcomes

If, therefore, a democratic decision is defined simply as that which is the result of a vote, and if the voting procedure itself is not defined, the outcome in the example above, the collective will of the 15 voters, could

be anything at all! It all depends upon which voting methodology is used. In other words, the choice of voting procedure may actually be a form of manipulation – so no wonder lots of dictators from Napoléon and Lenin to Hitler and Khomeini all chose binary voting. So too do many democratic leaders: they decide what they want, that is they dictate the question; they thus determine the debate; and usually (though famously, not with Brexit) they get what they want. At the very least, therefore, any Charter on Democratic Rights or similar document, when referring to voting in decision-making, should specify which voting procedure is to be used; (and needless to say, the same applies to electoral systems).

The conclusion so far, then, is that democratic decision-making would be more accurate if based on either the MBC and/or the Condorcet rule; and, as has been recommended by a number of authors over the years – they include Charles Dodgson, Duncan Black and Arthur Copeland, (Emerson 2007: 17) – probably the most accurate of all counts would be a combined MBC/Condorcet analysis: if the social choice from both counts is the same, then, with almost absolute confidence, this outcome can be assumed to be correct, that is, a true approximation of the said voters' collective will.

Nothing is perfect, of course, as was demonstrated in Kenneth Arrow's Impossibility Theorem (Arrow 1963). That is not to say that some methodologies, as has just been shown, may be hopelessly inaccurate, others so-so, and a few actually very good. But yes, perhaps nothing is perfect. The Condorcet suffers from what is known as the paradox of binary voting. In the first example with Ms *i,* Mr *j* and Ms *k* discussed above, where these three voters have sets of preferences are *A-B-C-D, B-C-D-A* and *C-D-A-B* respectively, it can be seen that *A* is more popular than *B*, and this is written *A > B*; that *B > C,* that *C > D* and that *D > A*. In other words:

$$A > B > C > D > A…$$

and this 'cycle' as it is called continues for ever. The Condorcet rule, based as it is on these pairings, is vulnerable to this 'paradox of [binary] voting' which may occur in any multi-option debate if and when, as Pliny the Younger observed, no one option has an absolute majority. (Admittedly in this particular example, with the Copeland rule, *B* and *C* tie on a score of 2.)

Given the above preferences, and given the fact that all three individuals prefer option *C* to option *D*, it could be said that option *D* is

irrelevant. Now the BC/MBC scores when all four options are considered are *A*-7, *B*-8, *C*-9, *D*-6, so the Borda winner is option *C*. But if *D* is irrelevant, let it be removed so that the three sets of preferences are just *A-B-C, B-C-A* and *C-A-B*; in this case, however, the scores are *A*-6, *B*-6, *C*-6. So what had been a victory for *C* is now a three-way tie.

On balance, of the two, this author prefers the MBC, partly because it is a more nuanced measure counting lots of points and not just several pairings, but mainly because this voting procedure is not majoritarian. At best it identifies the option with the highest *average* preference and an average, of course, involves every person who submits a valid vote, not just a majority of them.

If, then, the MBC were to be defined in human rights charters and introduced as the international democratic norm, terms like 'majority voting', 'majority rights' and 'majoritarianism', as well as 'the right of veto', could disappear into the history books where they have long since belonged.

4. A Litany of Violence

As first enunciated by President Woodrow Wilson during WWI, 'All peoples have the right of self-determination. By virtue of that right, they freely determine their political status. . .'[2] How? It does not say. Countless persons in pluralist societies have interpreted this to mean a majority vote… and "all the wars in the former Yugoslavia started with a referendum." (*Oslobodjenje*, Sarajevo's famous newspaper, 7.2.1999 – author's translation.) The same quotation now relates to Ukraine and the 2014 poll in Crimea.

Majority rule and that upon which it is based, majority voting – in a word, majoritarianism – have been a cause of war in countless countries. In Syria, a Sunni majority seeks to overthrow a minority regime – and it's war; the conflict in Yemen was also sectarian, with a cease-fire prompted by the dreaded virus; in Israel, the Arab List knows that it will never be in government – and it's the intifada; Northern Ireland was an artificial construct to create a Protestant majority – it led to the Troubles; while in Rwanda in 1994 the *Interahamwe* initiated their violence with the slogan

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[2] Article 1.1 of the International Covenant on Civil and Political Rights was adopted by the UN General Assembly in 1996.

"*rubanda nyamwinshi* (we are the majority)" – and it was genocide.

The wrongs were even worse in communist countries. Not a majority but the larger minority of 19 defeated the smaller minority of 17 – there were 3 abstentions – when in 1903 the Russian Social Democratic Workers' Party split into two factions, the supposed majority or *bolshinstvo* and a smaller minority *menshinstvo* to form the Bolsheviks and the Mensheviks. The subsequent bolshevism[3] led to the deaths of over 20 million in the Gulags.

Like Lenin, Stalin, Hitler and others, Máo Zédōng was also a majoritarian. You choose a minority – anything will do, the kulaks, the Jews or, to take a contemporary analogy, immigrants – and you thus gain majority support. Máo chose 'the Rightists'.

His pursuit of power was based on a rigid discipline: Article V of the Chinese Communist Party statutes stated that "the minority must obey the majority," but Máo took it further: "we must oppose… and smash the minority," he said, (Schram 1969: 325). This discipline was all but guaranteed if those involved were first, as it were, bloodied. The tactic was similar to that used during the war in Bosnia and other conflicts, in which the Bosnian Serbs bloodied their young soldiers in murder. In like manner in China, in village tribunals during the Great Leap Forward, neighbours were 'bloodied' in majority votes… and, by a show of hands, many a supposed Rightist was sentenced to death; if any villager did not vote in favour, then he too might be put 'on trial'. No-one will ever know for sure, but the total number of casualties during Máo's time 'at the helm', many from his Stalinist man-made famine, was at least 20, maybe 30 or even 40 million.

5. A More Inclusive Polity

Some countries have learned some of the lessons of history. In Germany, for example, a change of government can only be effected if those opposing the *status quo*, option *X*, can propose a viable alternative, option *Y*, in what is called a constructive vote of no confidence. In other words, a majority vote of the "Option *X*, yes or no?" variety is not good enough; it

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[3] The Russian word for majoritarianism is – or rather was – *bolshevism* (большевизм); they have now concocted a new term, *majoritarnost* (мажоритарност).

has to be "Option *X* or option *Y*?" Secondly, as a direct result of Hitler's three referendums, Germany has decided that there shall be no more national plebiscites; for some strange reasons, however, regional referendums are still acceptable, as too are "Option *X*, yes or no?" majority votes in the Bundestag.

Other countries have learnt less, and in many parliaments and UN gatherings etc., many of even the most serious decisions are still taken on the basis of an "Option *X*, yes or no?" binary choice. In most circumstances, the person in charge – the Prime Minister or President, at worst the dictator – chooses the question… and, as implied earlier, the question is the answer, often with percentages of approval in the 90s. While, as a rule, dictators do not lose – Augusto Pinochet was the only dictator who did not get his third referendum approved in this way – democrats sometimes do lose. Theresa May put her proposal on Brexit to Britain's House of Commons, three times, and by varying majorities, it was always rejected. The decision was taken, thrice; but nobody knew what parliament actually wanted.

As a minimum requirement of any democratic decision-making process, therefore, the people (or their representatives) must be allowed to participate, not only in the process by which the matter is resolved – the vote – but also in the preparation of that final process – the debate to choose the options to be on the ballot. Secondly, if there are more than two options 'on the table', it may be necessary to have more than two options on the ballot paper… so thirdly, as was noted above, those concerned, the people in a referendum or their representatives in any parliamentary vote, must be enabled to cast their preferences. Fourthly, a decision shall be taken if and only if it has sufficient support: in consensus politics, a mere 50% + 1 is not enough; democracy, after all, is for everybody, not just a faction or a fraction.

The procedure, then, must allow for an impartial chair – Mr/Ms Speaker and maybe some assistants or consensors, as they are called – and they shall decide which voting procedure is to be used, and which options are to be included. First things first, and parliament must choose the format: is the matter to be resolved in Parliament, under the auspices of an Independent Commission, or on the authority or advice of a Citizens' Assembly? Is the final decision to be taken in a parliamentary vote and/or a multi-option referendum? And what level of overall support is necessary for the outcome to be the binding result?

In 1992, New Zealand appointed an Independent Commission to

consider the question of which electoral system was to be used in future general elections. Submissions were made, proposals were debated, campaigns were organized and, by the time the TRS five-option referendum was held, most of the electorate were aware of what was on offer. In stark contrast, on Brexit, Britain had a multi-option debate – or rather, a bloody great row – only *after* its binary referendum of June 2016.

Also, in 2016, Ireland appointed a Citizens' Assembly to consider, *inter alia,* the law on abortion. Thus 99 persons chosen at random considered all the implications and, as it happened, used (but did not name)[4] the BC in its deliberations. Interestingly enough, among its other recommendations, the Assembly proposed multi-option referendums – ironically passed in a majority vote; which is a bit like agreeing to a peace settlement by first going outside for a punch-up.

For the purposes of this article, however, it is assumed that it has been decided to hold the debate and take the final vote in Parliament. If the Speaker and consensors have already been elected, the procedure if as follows.

6. A Consensual Debate

A problem arises. The Government or a Party proposes a motion. If any other Party disagrees with part or even all of the proposal, it may put forward its own ideas… not as one or more amendments to certain clauses, but as a complete package. And needless to say, any one Party (of more than so many members, or any one group formed from members of very small parties and/or independent MPs) may propose only one motion. If its desired change is a fairly minor alteration, the entire proposal need just highlight the relevant section(s). If the proposal is radically different, it should nevertheless be laid out in a format similar to that of the original.

The consensors shall accept every proposal which complies with some agreed norm like the UN Declaration on Human Rights. They shall display a list of all the options 'on the table' at least in summary on a computer screen and, if need be, in full on a dedicated web-page.

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[4] In its terms of reference, the Citizens' Assembly had been instructed to take its decisions by majority voting. This led to the bizarre situation in which the chair used her casting vote in a five-option ballot, because two of the options tied; but the addition of her single vote did not mean that her chosen option was now supported by a majority.

When the Speaker initiates the debate, the movers of each proposal may have so many minutes – or, if the debate is on-line so many words – to which others, subject to similar limitations, may respond: they may question any detail, suggest any changes (but not as formal amendments to be voted on), seek clarifications, or whatever. As the debate proceeds, other ideas may emerge; one or other option may no longer be required and, if its mover agrees, removed; again with the consent of the movers, two or more options may be composited; in other words, the debate may literally proceed.

At all times, the consensors shall maintain the list of options such that it is balanced and representative of the entire debate. If at the end of the session, a verbal consensus emerges – i.e., if there is only one option left 'on the table' – this may be regarded as the verbal consensus. If however – and this is the more likely scenario in any parliamentary setting – there are still a number of options on the table, the Speaker may call for a vote.

Accordingly, the consensors shall present a draft ballot, normally of about 4 – 6 options. If all the various parties agree that their particular motion has been accepted verbatim, as amended or as now in composite, this list shall then be the basis of an MBC ballot in which all concerned may cast their preferences.

7. The BC and the MBC Ballot

In a multi-option ballot of, say, five options, a voter may cast up to five preferences.

+   If he casts only one preference, his favourite option gets just 1 point;
+   if she casts two preferences, her favourite gets 2 points (and her 2nd choice gets 1);
    and so on; so
+   those who cast all five preferences give their favourite 5 points, (their 2nd choice 4, etc.).

In full, in a ballot of *n* options, a voter may cast *m* options, so obviously

$$n \geq m \geq 1$$

and points are awarded to (1st, 2nd … last) preferences according to the rule:

$$(m, m\text{-}1 \ldots 1) \tag{i}$$

In effect, therefore, the voter is encouraged to cast a full ballot.[5] In so doing, he states his compromise option(s). And sure enough, if everyone states their individual compromise position, it is possible to identify the collective compromise. Secondly, in casting a full ballot, he as it were recognizes the validity of each option and the aspirations of his neighbours.

The winner is the option with the most points, so there is a much greater consequence: the protagonist will want her supporters' 1$^{\text{st}}$ preferences of course, but in full ballots. Furthermore, she will want her erstwhile opponents to give her option not a last but a higher preference. Thus, in the debate which precedes the vote, there is an entirely different ambiance: politics is no longer adversarial; people no longer vote ('for' or) '*against*' each other, but rather, everyone votes *with* their colleagues.

There will still be disagreements of course, just as there have always been power struggles, even between those of a similar political orientation and in the same political party – the dispute between Stalin and Trotsky comes to mind, but so too the clashes of ambition in the UK between Gordon Brown and Tony Blair, and so on.

The above rule

$$(m, m\text{-}1 \ldots 1) \tag{i}$$

was first proposed by Jean-Charles de Borda in 1774, (Saari 2008: 197), not so much as a mathematical formula, more as a set of words, as guidelines. Alas, even during his lifetime, this rule was interpreted to be

$$(n, n\text{-}1 \ldots 1) \tag{ii}$$

which is the same, mathematically, as

$$(n\text{-}1, n\text{-}2 \ldots 0) \tag{iii}$$

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[5] If $n < 10$, voters may be asked to cast up to n preferences, i.e., for maybe all n options; if $N \geq 10$, it is probably wiser to ask the voters to cast up to just six preferences.

Now if everybody submits a full ballot, all three rules will produce the same outcome. If, however, as above in Figure 1, some voters cast only partial ballots, then the difference can be considerable, as shown in Figure 2: there may indeed be a different outcome. Well, they can't both be right!

Furthermore, if the (ii) or (iii) formula is used, the incentive is for the voter to cast only a 1st preference; as implied earlier, the same is true for approval voting and even more so for range voting. If every voter does that, the BC and either approval or range voting deteriorate into a sort of plurality vote: and in a BC, every 1st (and only) preference gets *n* or *n-1* points.

The BC has often been criticized, not least by those who prefer other methodologies, because they say it is manipulable. But hence the consensors. Furthermore, one can only manipulate if one can accurately estimate how the other voters intend to cast their ballots; this becomes immeasurably more difficult if preferences are involved. Given, in addition, that the consensors may choose not just the most popular option, but a composite of the two most popular, any potential manipulator should be very wary indeed. Let us now therefore look at the consensors' final task: the interpretation of the results.

8. The Outcome

Majority voting is often manipulated by he who sets the question – (it's usually a he). What's more, the options on the ballot – "*X* or the *status quo*?" or "*X* or *Y*?"– are invariably regarded as mutually exclusive, and despite their similarities, even options like capitalism and socialism were considered to be opposites; these two ideologies, for example, were both creeds based on greed.

Multi-option voting is more nuanced. Furthermore, it is highly unlikely in, say, a five-option debate, that all five options will all be mutually exclusive of all the other four. If, then, two options are 'neck-and-neck' in their MBC scores, the consensors may well decide to form a composite of the two.

In a very simple example of tax rates, if the five options listed are assumed to be 40, 45, 50, 55 and 60%, and if 55 was more popular than 50 but only just, a final result of 53% may be a more accurate assessment of the collective will.

So, let us return to the ballot. The voter who wants 53% may cast a 1st

preference for 55% and a 2nd for 50; while she who wants 52% might choose 50 and then 55. More than that: if voters may be persuaded (by the very mathematics of the MBC) to cast all their preferences, then he who wants exactly 50% may vote either 50-55-45-40-60 or 50-45-55-60-40, while she who wants 49% may vote 50-45-55-40-60, he who wants 48% may prefer 50-45-40-55-60, and so on. Needless to say, prior to the vote, the consensors will state which sets of preferences correspond with which interpretations. But multi-option voting allows the voters a considerable degree of precision: the choice is indeed far more than just 'hot' or 'cold'.

In all the above instances, the individual voter's set of preferences are what is called 'single-peaked': this means, if the options are laid out in order, low to high (or whatever) on an x-axis, while the y-axis records the preferences cast from top-to-bottom, that her 2nd and subsequent preferences will descend, to left or to right, from her 1st preference, as in Figure 3. (Whereas a set of preferences such as 60-40-50-45-55 would not be single-peaked… and would not be logical!)

Now as stated earlier, if every voter expresses not only his 1st but also all *n* of his preferences, not least his most favoured compromise option(s), so if every voter casts a single-peaked set of preferences, the collective will, the sum of all the individual sets of preferences, will also be single-peaked. As an example, if three voters have sets of 1st-2nd-3rd-4th-5th preferences, (so to award 5-4-3-2-1 points), of 55-50-45-60-40, 45-50-40-55-60 and 60-55-50-45-40, then their collective will is as shown in Figure 3, a single-peaked 'plateau' between 50 and 55, so doubtless the consensors will conclude that the final outcome shall be about 52.5%. Preference voting can indeed be fairly precise, (Emerson 2020).
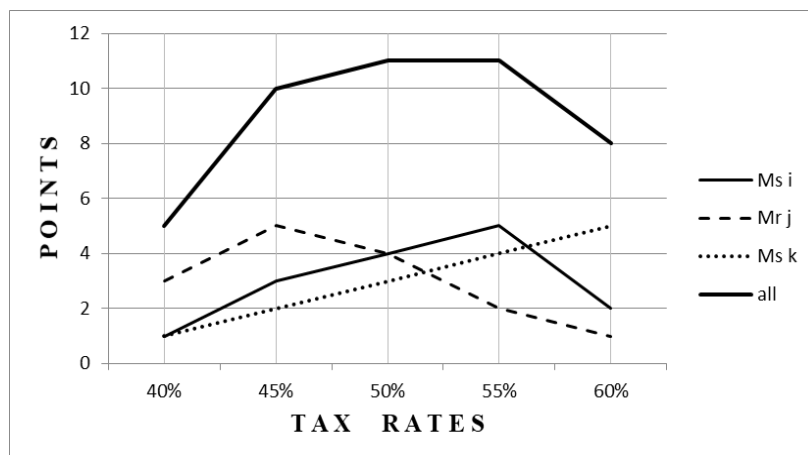
Figure 3: The Collective Will

It is not only tax rates which can be put onto a spectrum. If Britain's Brexit vote had been multi-optional, an independent commission might have decided to pose five options:

+   The UK in the EU with the €.

+   The UK in the EU with the £.

+   The UK in the EEC with the £.

+   The UK in a Customs Union with the £.

+   The UK under the WTO with the £.

Here too, it is submitted, most sets of three or more preferences would be single-peaked. In Ireland's Citizens' Assembly's debate on abortion, the collective will was also single-peaked, and a very exact number of weeks could have been identified as the collective will (rather than relying on a casting vote from the chair, who inevitably chose one or other of the two numbers, either side of the exact, correct answer). Furthermore, in a transparent democracy, MPs' sets of preferences would be in the public domain. So any MP who was trying to manipulate matters would be more likely to be identified. At the very least, local journalists and the relevant

MP's constituents might wish such illogical behaviour to be explained.

In analyzing the collective will, the consensors will endeavour, not only to identify the social choice and the social ranking, but also to measure the degree of enthusiasm which the said electorate, the parliament, hold for this outcome. If the collective single-peak is precipitous, then the level of support is obviously considerable; if it is less of a mountain and more of a hill, then maybe the outcome is a consensus, or perhaps just the best possible compromise. Or if all the options' popularities are roughly the same, if there is no consensus, then no decision shall be taken. Instead, the ballot may be regarded as a straw poll, with maybe some options deserving further debate, or whatever.

The measure used is a consensus coefficient, CC, defined as the option's MBC score divided by the maximum possible score: so it varies from 1.00 which is very good, a 1st preference in full ballots from every voter, to 0.00, which is no preferences at all from anybody. (Both scenarios are hypothetical, and there would not be a vote on several options if some of the voters had not proposed them, so every option listed is bound to have some support.) The consensors will already have published which CC level is the threshold for a decision to be taken, and which levels may be classified as 'best possible compromise', 'consensus' or 'overwhelming support'. This might all sound a little complicated but, with electronic preference voting – with every MP using a specific and secure mobile – it all becomes very feasible; and in any case, these elected representatives are supposed to be clever.

9. A Non-majoritaitran Polity

Many political debates are adversarial because the decision-making procedure with which these debates conclude is itself adversarial. If, as would be the case with an MBC, the debate were to conclude with a consensual voting procedure, the debate itself would be far more convivial – not least for reasons of vested interest. When AV is used as an electoral system, as is the case in Australia, the pre-election campaign is not as polarized as is the equivalent in the UK with first-past-the-post (FPTP). In like manner, but to a much greater extent, politics based on the MBC would inevitably be more rational, the debates more respectful, the arguments more nuanced.

The methodology is indeed accurate, robust and very inclusive. It is also non-majoritarian. As noted above, it can identify the option with the

highest *average* preference. If then, as the democratic norm, it was resolved that decisions should be taken and/or ratified in preferential points MBC votes, the term 'binary majority rule' could join 'majoritarianism' and 'bolshevism' in the history books; instead, with 'preferential majority rule', governance everywhere could be based on all-party power-sharing coalitions or, to use their other term, governments of national unity.

This would mean, in the UK, Israel and Malaysia, for example, small extremist parties like the Democratic Unionist Party (DUP) (of right-wing Protestants), Jewish Home (of Jewish zealots), and the Pan-Malaysian Islamic Party (PAS) (of fundamental Islamists) would no longer exercise more political influence in government than is their proportional due – which in some instances should be close to zero! In 2015, the DUP with 10 MPs, i.e., 1.5% of the seats in parliament, was not big enough to be in government, not even in a confidence and supply arrangement. Other larger extremist parties – the *Alterntive für Deutschland* AfD in Germany or *Sinn Féin* in Ireland – could be in Cabinet, but not as a major coalition partner like the Freedom Party in Austria in 2017, again, only in their proportional due.

With 15.7% of the MPs in the Bundestag, the AfD should have about 16% of the seats in Cabinet. That Cabinet will work in consensus. The democratic hope is that, as in Ireland, when confronted by the realities of governance, the extremist party will moderate its behavior, if only to prove itself capable, in order to be re-elected at the next election. If it fails to do so, then sure enough, to name Austria's Freedom Party again, it loses the subsequent 2019 contest at the ballot box.

10. Conclusion

Would it work? Or could it work? Of course, it *could*. The people could elect the parliament, ideally with a fair and accurate electoral system {and that rules out FPTP or any of the improved systems which are still based on FPTP like the French TRS, the Russian semi-proportional parallel system or the German fully proportional half-FPTP-and-half-PR-list multi-member proportional (MMP) system}. Next, that parliament could elect its government, again in a proportional and preferential system {and the appropriate methodology by which, in one (electronic) ballot, the MPs can choose, in their order of preference, not only who is to be in Cabinet but also which of these nominees is to be in which ministerial post, is the

matrix vote}. And thirdly, this Government and its Parliament could take and/or ratify its decisions in consensus, either verbally or with an MBC, in the procedures outlined above.

Consensus voting is win-win: nobody wins everything, but (almost) everybody wins something. Majoritarianism will best be replaced if, firstly, human rights lawyers and others define democratic rights in a much more precise manner than at present; secondly, if electronic preferential voting is introduced into our parliaments; and thirdly, if preferential decision-making is adopted in civic society. When all of that is done, excessive political power will no longer be entrusted to individuals – the likes of Trump, Bolsonaro, Johnson, Netanyahu, Modi, Erdoğan and so on. When every democratic country is ruled by a coalition, when no (non-urgent) decisions are taken if there is no consensus for such, and when democracies everywhere enjoy a political structure which is long-term (i.e., when a 2% swing can lead to a 2% change) and can cater for the further evolution of our species, then might our collective survival be more secure.

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