

## **A Positive Outcome through Negative Voting (Richard Forsyth, January 2019)**

**"Politics is the capacity to choose in each instant of a changing situation that which is least harmful" -- Bismarck.**

In Parliament at present, the Brexit process is stalled. Theresa May's team has negotiated a compromise but it has been decisively rejected by the House of Commons. The faction that wants a so-called hard Brexit sees an opportunity to prolong the stalemate until Britain leaves by default with no agreement. The larger faction of those who never really accepted the result of the 2016 referendum hopes that by rejecting May's deal they can directly or indirectly keep Britain in the EU. No clear-cut option commands a majority.

Indeed there is little clarity about what options exist. The government states that there are three: the choice is between May's deal, no deal and staying in the EU. Other purported choices are, according to this view, mere wish-lists. However, there are groups of MPs who contend that alternatives such as the so-called Canada-plus or Norway-style arrangements could still be implemented in time. There are also callers for a "People's Vote"; but we've already had a people's vote, and we certainly couldn't arrange another referendum in time for the 29th of March.

### **Never Waste a Good Crisis**

Thus the current bout of bad faith and irresponsibility in the "Mother of Parliaments" attests vividly the fact that the party-political system that we have become thoroughly disenchanted with is on the verge of breakdown. However, this collapse of what we like to call representative democracy presents a golden opportunity as well as a threat. It allows the Mother of Parliaments to give birth to a daughter who could, in the long run, outshine and replace her.

Very few MPs receive over 50% of their electors' votes under our first-past-the post voting system. Yet in parliament they insist that no way forward is possible unless it receives an overall majority. It is high time for MPs to take responsibility for deciding what the country does next and accept the fact that people and businesses crave certainty. The country has waited long enough for a decision. We now know that Article 50 can be revoked, but a meaningful national referendum would require postponing it, which would require consent of the other 27 EU states, some of which might well want unpalatable concessions to agree to treating the UK as an even more special case. To avoid such problems requires a process that could give us a clear route forward before mid-February. That excludes another referendum.

Let us suppose then that there are five options from which our MPs must choose: May's deal; exit with minimal or no deal; staying in the EU; Norway-with-benefits; and Canada-plus. (Adding a sixth, another referendum, would be very unwise, but it doesn't change the logic.) How could MPs pick one of them in a rational manner in time to put it into effect by 29 March 2019?

### **Bringing the Commons to Order**

Saint Matthew's Gospel advises: "let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil." However, such commitment to nothing but binary choices is exactly what is causing the present deadlock. This crisis offers a chance to leap over that towards something more flexible and, above all, fairer -- establishing an order of preference. This would require suspension of the practice of simple binary division, hallowed by centuries of parliamentary

tradition. Of course, Parliament would have to come back to endorse the final result, but the grounds would be prepared under different conditions, in the following manner.

A shock to traditionalists would be to employ a secret ballot in a free vote of MPs, but these are times that try people's souls and novelties must be considered. Britons are taught that we have an unwritten constitution, which is a polite way of saying that we make it up as we go along. A seldom-used benefit of this nebulous situation is that we could introduce new modes of deadlock-breaking if only we chose to do so. Parliament claims to be sovereign and on that basis could decide to amend its procedures when they prove unfit for purpose.

Another shock to MPs would be to take them on a journey in the bleak midwinter away from the capital city and put them up in a more rustic setting for a few days with nothing to focus on except making a decision that will be good for their constituents. An attractive fantasy would be to exploit one of the many archaisms in our polity by sprinkling some monarchical magic on the proceedings. Could Sandringham accommodate 650 people for a few days? Sadly, such an idea is unthinkable to those who claim to read the invisible writing of our unwritten constitution (though it might go down rather well with the public), so a large hotel would do well enough.

### **A Meaningful Vote**

Once settled in, a process of attrition would begin. The literature on voting methods is extensive. The present proposal is a composite (cf. Felsenthal, 1989). Initially, five options would be presented. There would be three elimination phases in each of which a single option was eliminated. Finally there would be a choice between the two remaining options.

At each elimination stage, MPs would be presented with the 5, 4 or 3 options and required to mark each as Supported, Acceptable or Unacceptable. These would be translated into numeric scores of 2, 1 and -1 respectively. Unmarked options, when more than 3 were present, would receive a score of zero. Thus the voters would be giving two positive votes and one negative vote. This gives some opportunity to express disapproval, although with a balance in favour of approval, which has genuine psychic validity in such a charged debate, in which everybody hates at least one option.

Ballot-papers that did not have just these three choices marked would be rejected as spoilt ballots. The arithmetical totals accumulated by each option would then determine a ranking and the bottom-ranked option would be excluded after each of the elimination phases. (In the case of ties, the option with the greater number of Supported votes would be considered ahead; if that failed to break the tie, the option with the lesser number of Unacceptable votes would prevail; and if that failed to break the tie, it would have to be decided by drawing lots.)

At the end of the final phase, only the two options with the highest totals would be carried forward. Then it would be time to return to Westminster, where the House of Commons would subsequently vote on the two remaining options in the conventional manner, i.e. publicly using Ay and No. In such a grave matter, it would still be advisable to grant MPs a free vote rather than voting as party blocks. The main parties are fractured and this is pre-eminently a case where national trumps party interest.

This proposal would force Parliament to express an aggregate opinion within the time available. Moreover it would have the not inconsiderable benefit of forcing our representatives to reach a group decision that they couldn't disown. Most important, it would loosen the straight-jacket of antique parliamentary procedure and prove that Parliament can adapt when the need arises, setting off on the path towards genuine deliberative democracy by proving itself open to the kind of changes that will be needed to bring more radical social technologies, such as citizens' assemblies,

into mainstream thinking. Such openness will be essential if we are to cope with the crises that extreme environmental emergencies will throw at us in the near future.

**Reference**

Felsenthal, D.S. (1989). On combining approval with disapproval voting. *Behavioral Science*, 34, 56–70.