

A Positive Outcome through Negative Voting (Richard Forsyth, December 2018)

In Parliament at present, the Brexit process is stalled. Indeed politics has hit a buffer. Theresa May's team has negotiated a compromise but nearly all commentators believe that it will be rejected by the House of Commons when they get the chance. 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 were elected in the 2017 General Election on a manifesto pledge to "respect" the result of the 2016 referendum, but who never have accepted it, hopes that by rejecting May's deal they can directly or indirectly force the cancellation of Article 50 and 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, merely 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, so this amounts to a disingenuous cover story for those who want to stop Brexit but won't admit it.

Never Waste a Good Crisis

Thus the current bout of bad faith and irresponsibility in the "Mother of Parliaments" attests vividly the fact that Britain today is ruled by a throwback to a primitive epoch called DINO (Democracy in Name Only). The party-political system that we have become accustomed to, and 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. This will, however, require her to become receptive to certain approaches that she has so far shown no inclination to consider.

In short, MPs need a kick up the back-stop. It is high time for them to take responsibility for deciding what the country does next and accept the fact that people and businesses crave certainty before next March and do not wish to spend the next two years as extras in the production of a long, expensive and unpopular epic -- The Death Throes of Brexit. 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 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 next February. That excludes another referendum.

Let us suppose, therefore, that there are five options from which our MPs must choose: May's deal; exit with no or minimal deal; staying in the EU; Norway-with-benefits; and Canada-plus. 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 Ay-No 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.

The first shock to traditionalists would be to employ a secret ballot in a free vote of MPs. The uproar at this idea from numerous broad-bottomed bigwigs would be deafening, 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 is meant to be sovereign and on that basis could -- and in this case should -- 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. A delicious 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? Of course the idea of Her Majesty stepping in to help ease the logjam is unthinkable to those who claim to be able to read the invisible writing of our unwritten constitution, but it might go down rather well with the public; and I don't doubt that those scholars of the constitution could retrofit it into our time-honoured traditions (many of which were conjured up quite recently) if they turned their minds to it. Ah well, expecting miracles at Christmas is perhaps asking Santa too much: 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 give us a firm decision within the time available. Moreover it would have the not inconsiderable benefit of exposing to the public what their representatives really think as a group. 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 social technologies such as citizens' assemblies (which sadly are not well enough established to be employed in the present case) 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.