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What Exactly is Voting to Consensual Deliberation?

Emmanuel Ifeanyi Ani 

Abstract: There have been two parallel views regarding the role of voting in deliberation. The first is that deliberation before the fabrication of balloting was completely devoid of voting. The second is that voting is not just part of deliberation, but is standard to deliberation. I argue in this article that neither of these views is correct. Implicit voting has always existed across time and space but only as a last resort in the event of a failure of natural unanimity. What is relatively modern is the establishment of what I call explicit voting; namely, balloting, outside deliberation and often without deliberation. I also distinguish between natural and artificial unanimities, and clarify that artificial unanimities are products of implicit voting. I demonstrate these clarifications with some examples of deliberation. I deploy these clarifications to rid a certain debate of confusion regarding the precise role of voting in consensual deliberation.

Introduction

The divisive side effect of majoritarianism, and the instabilities that this has caused since the modern era, have renewed interest in consensus, both as a method of decision-making and a form of democracy. This interest has grown steadily in both Western and non-Western hemispheres. However, the allure of consensus has, not exactly translated with equal vigor into successful practice. In this essay I clarify that we could better study the failures of consensus by distinguishing between natural and artificial unanimities. Most importantly, I demonstrate that artificial unanimities are products of what I call implicit voting: a majority instrument used for breaking intractability in deliberation. I distinguish this from explicit voting (balloting). I demonstrate these distinctions with examples. I also offer a brief explanation of what causes natural and artificial unanimities. In contrast to explicit voting, which only began to exist with the invention of representative government, implicit voting is as old as deliberation. I hope the clarifications made here will clarify certain objections about the role of voting in deliberation.

In Section 1, I begin by clarifying that not all deliberation is aimed at common agreement. I distinguish between deliberation aimed at common agreement and deliberation aimed simply at providing more information and insights to participants. I focus on the former, and argue that consensus is not only the most ideal form of common agreement, but also usually the first choice for any deliberation aimed at common agreement, and voting is usually a second alternative. For this reason I call deliberation aimed at common agreement ‘consensual deliberation’.

In Section 2, I highlight the upsurge in the quest for consensus decision-making in twentieth-century governance: in public and private agencies, and even legislations encouraging consensus for group decision-making. I show that consensus as a decision-making method has attracted increased attention and legislation, especially in the Western hemisphere. Consensus is increasingly pushed by the US Congress, and encouraged in hospital ethics committees, jury deliberations, and other decision-making bodies in higher education, transportation, fisheries, environmental protection, and so on. But this upsurge has also attracted a lot of criticisms and questions about the assumed moral authority of consensus, in both Western and African theaters of debate.

Highlighting these intercontinental developments in consensus theory and practice throws open the debate I wish to tackle in this essay: that of the role of voting in consensual deliberation. To begin answering this question, I distinguish between two kinds of voting in Section 3: explicit voting is what we already know as balloting, while implicit voting is the subtle process, within deliberation, producing consensus decisions that are in fact majority outcomes. To demonstrate this point, I distinguish between natural and unnatural unanimities. I then demonstrate the role implicit voting plays in producing unnatural unanimities. I also explain that natural unanimity is likely when an issue could be resolved only with mathematical calculation or physical verification, to the extent that these epistemologically straightforward solutions are free from competing subjective beliefs or competing interests. On the other hand, issues witnessing division

of interests or competing subjectivities witness prolonged deliberation. The elongation of deliberation increases the chances of implicit voting.

These considerations enable me to answer the question posed by the title of this essay: voting exists primarily to end deliberative impasses in the failure of a natural unanimity. Implicit voting makes artificial unanimity possible in the wake of the failure of natural unanimity. I also distinguish between implicit and explicit voting, in terms of their properties. While implicit voting takes place within deliberation and emerges only when there are impasses, explicit voting exists primarily outside deliberation and could happen without deliberation. Moreover, explicit voting is historically young, but implicit voting is as old as deliberation.

In Section 4, I take the opportunity to clarify four misunderstandings about voting expressed in a debate about consensual deliberation and consensual democracy. The first is the idea that (what I call) implicit voting only began to exist with the existence of explicit voting. The second is the impression that this idea is original to consensus theory. The third is the idea that I vacillate between (what I now call) the implicit and explicit conceptions of voting. And the fourth is the allegation that I have argued that every deliberation needs voting to reach a decision.

1. Consensual Deliberation

Not all deliberation is aimed at common agreement or consensus. Some deliberations simply aim to provide participants with more information regarding an issue, object, idea, social institution, or a person. When, for instance, presidential candidates deliberate (or debate) prior to an election on an issue (such as the economy, security, or foreign policy) in the view of potential voters, they do not aim to reach agreement or consensus with one another as presidential candidates, but each of them only tries to provide voters with better reasons to consider him or her the best candidate. The very aim of the exercise is juxtaposed against a common agreement. So a 'pre-electoral exchange of arguments and opinions regarding the suitability of candidates for electoral positions' is not aimed at a common

agreement among voters about whom to vote, but at better informing each voter about what she needs to know to make her choice (see, for instance, Ani 2013: 213).

My focus in this essay is on deliberation aimed at common agreement. The most ideal form of common agreement is consensus. If consensus fails to happen and common agreement is required, voting is widely seen as the second best way of reaching group decision. The advantages of consensus to voting are so decisive that no group would attempt voting as first choice in decision-making if consensus were even remotely possible. For this reason, deliberation aimed at common agreement is usually aimed first at consensus. It is therefore fair to describe deliberation aimed at common agreement as consensual deliberation.

2. The Trend towards Consensus

Twentieth-century political thought has witnessed an upsurge in the attraction to consensus decision-making as a tool for reaching unity-enhancing group decisions. This upsurge is not unconnected with growing distaste at the undesirable outcomes of majoritarian democracy, outcomes reinforcing perceptions that voting is inferior to consensus. It is instructive to outline the uptake in the renewed interest for consensus both within and outside academia. The trend in favor of consensus outside the academia has been mostly in the Western hemisphere. Consensus decision-making has been a focus in the area of medicine. Jonathan Moreno even tells us that medicine is a 'consensus-driven discipline' (1988: 415). One of the major attractions to consensus is that consensus decisions are seen to have a certain kind of moral authority.¹ Members of American juries are urged to reach unanimous verdicts. Research on the activities of hospital ethics committees show that many members of these committees prefer consensus as a decisional closure (Kliegman et al. 1986) and further research shows that these committees are adopting some sort of 'consensus ethic' as a standard of decisional closure (Cranford and Doudera 1984;

1 See, for instance, the title of Moreno's (1988) work.

Lynn 1984; Robertson 1984; Fost and Cranford 1985). The United States Congress has increasingly sought to encourage consensus as a standard of group decision-making, passing into law the ‘Negotiated Rule-Making Act’ authorizing agencies to establish formal processes for negotiating issues, recommending that in the constitution of committees, preference should be given to ‘persons who ... are willing to negotiate in good faith to reach consensus’ and such committees are obliged upon formation to attempt reaching consensus decisions (Coglianese 2001: 96). Since then, more than two dozen other statutes have been legislated encouraging consensus decisions in agencies managing various aspects of society such as transportation, higher education, lands and parks, marine mammal protection, federal aviation administration, vocational technology, fisheries, a good number of other public management bodies, and independent agencies.² Statutes have appeared urging committees in these areas of management to reach consensus decisions (see Coglianese 2001: 73–74). Consensus decision-making has particularly seen a strong surge in environmental regulation deliberation. Just like hospital ethics committees, environmental protection committees increasingly reach for the consensus standard. The EPA (United States Environment Protection Agency) has launched consensus-based projects such as Project XL and the Common Sense Initiative. According to Coglianese,

Reports issued by the National Performance Review (1993), Carnegie Commission on Science, Technology and Government (1993), National Academy of Public Administration (1995), President’s Council on Sustainable Development (1996), Joint Presidential/Congressional Risk Commission (1997), and the Enterprise for the Environment (1998)—to name just a few—all recommend expanding the use of various forms of consensus-building. (2001: 97)

A certain regulation was explicit, ‘all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies ... as a means to carry out policy objectives or activities’ unless doing so would be ‘inconsistent with applicable law or

² For details, see Coglianese (2001).

otherwise impractical' (Act of 1995, Pub. Law No. 104–113 [1996]; cited in Coglianesse 2001: 95). According to Coglianesse, 'We are living, some might have it, at the dawn of an age of consensus' (2001: 93).

The attraction to consensus, however, has not come without hiccups. Skepticism has arisen about whether consensus should be regarded as a goal of decision-making (Moreno 1988; Fuerstein 2014), and whether consensus really achieves its goals, especially those of reducing conflict and increasing compliance (Coglianese 2001). However, these concerns are not technically relevant to my essay, which simply aims to identify certain kinds of consensus that are majority outcomes. I argue that such sorts of consensus are artificial unanimities, being products of implicit voting.

Within academia, the most explicit proposal for consensus in decision-making has been outside the Western hemisphere, that of Kwasi Wiredu in Africa. The rationale behind Wiredu's proposal is his frustration with majoritarian politics. Wiredu argues that majoritarian democracy is adversarial, aggressive, divisive (1996: 179; 186; 2011: 1059–1061, 1063), and ill-suited for the ethnic configurations in African states (2011: 1064). Wiredu describes the relationship between ruling and opposition political parties as 'the quintessence of uncooperativeness' and 'quintessentially antithetical to the spirit of communalism, whose principle ... is the adjustment of the interests of the individual to the interests of others in society' (2011: 1061). Wiredu's proposal is that in the face of these dysfunctions, it is refreshing to look back at the political systems of some traditional African societies, where group decisions were reached by consensus. He cited a remark made by Guy Glutton Brock of deliberation in these societies, 'The elders sit under the trees, and talk until they agree' (Brock, cited in Nyerere 1975: 478; cited in Wiredu 1996: 182). For a case study, Wiredu cites the lineage political system of his people the Ashanti of Ghana, where 'Decision was by consensus at all ... levels' (1996: 185). Wiredu argued that the Ashanti preferred consensus and spurned majority decisions, aware that majority decisions were easier (1996: 186). He notes that there was no long-standing word for voting in those pre-colonial times (1996: 184). Wiredu makes a case that interests

me in this essay. He argues that participants in a deliberation could suspend disagreement and agree on action without agreeing necessarily on notions, especially when ‘certain situations ... precipitate exhaustive disjunctions which no dialogic accommodations can mediate’ (1996: 183). Wiredu remarks that the suspension of disagreement is expected of minority opinion (Ibid.). Wiredu says more in favor of consensus, but I will limit my essay to the foregoing remarks, being the ones I find relevant for my analysis.

Wiredu’s proposal has seen both ample support and criticism. Edward Wamala (2004) and Joe Teffo (2004) support Wiredu without qualification, and Kwame Gyekye’s (2013) support is qualified with some reservations about simply replacing majoritarianism with consensus. Fearing that unanimity may not always be had, Gyekye suggests a midway between majoritarianism and consensus, something he calls super-majority, such as two-thirds majority, a method already in use in some democracies on issues such as amending the constitution or impeaching the President. There have been more critical approaches, such as from Emmanuel Chukwudi Eze (2000), Michael Onyebuchi Eze (2008), Ademola Kazeem Fayemi (2010), myself (Ani 2014a, 2014b, 2019), Bernard Matolino (2013, 2018), and Kibujó Kalumba (2015). These criticisms are too many, and in any case not relevant here except Kalumba’s remark that unanimity is too high of a moral requirement for a consensual democracy (2015: 106), and my argument that the ability of deliberation to achieve consensus (or unanimity) depends not only on the will of participants but also on the nature of issues being deliberated (Ani 2019).

As a preliminary remark, it would be misleading to equate the worldwide exotic attraction to consensus with its success in practical terms. There are difficulties not just with the number of genuine consensus decisions reached as a proportion of overall decisions, but also with both the inclusive value and epistemic quality of consensus decisions (Ani 2014). Not all unanimities are natural, but I will attend to this point when I discuss the difference between natural and artificial unanimities.

The problem I wish to address is that the intercontinental quest for consensus has created hanging questions about the role of voting *within* deliberation, and how voting relates to consensus in the context of group decision-making. These questions are: What role does voting play in deliberation? Is there any relationship between voting and consensus in decision-making? What is the precise nature of this relationship? My hope is that this essay fairly attempts to answer these questions.

3. Two Kinds of Voting

By voting I mean any procedure by which majority opinion becomes the decision of a group. This helps to show that there are two forms of voting: the explicit and the implicit. I will begin with the explicit: this form of voting is what we term balloting, the system of voting established by the crafters of majoritarian democracy. This is the method of voting used to elect political representatives, public officials, and those popularly chosen to do some work or another for a group. In this method of voting, voters are given pieces of paper to cast in support of a candidate as a show of their preference for that candidate. The biggest distinction about this kind of voting is that it does not involve deliberation as a necessary precedent. For this reason, it is called aggregative democracy, and theorists of deliberative democracy argue that deliberation should be instituted as a stronger feature of this kind of democracy (see Gutman and Thompson 2004).

By implicit voting I refer to the transformation of majority opinion into the decision of a group *within* deliberation. Like I mentioned, explicit voting occurs in a wider context that does not necessarily need deliberation. Within most deliberative settings, by contrast, the method of decision-making is not explicitly noticed. In such settings, decision is either unanimous or by adopting majority opinion. We do not normally ballot to reach decisions when we deliberate in groups, but we reach a lot of decisions (including consensus decisions) that are in fact majority outcomes. Here it is instructive to distinguish between what I call natural and artificial unanimities.

Natural unanimities are unanimities we reach *easily* and *naturally* without constraints. There are two categories of issues that produce natural unanimities: issues where the interests of all participants are identical, and issues presenting problems whose solutions are so self-evident that every participant in a deliberation agrees quite spontaneously and without constraint to the solution. These two categories of issues elicit what I call natural unanimities. I will provide two examples of issues in the first category and three examples of issues in the second. Let me begin with two examples of issues that elicit the same kind of interest from all participants in a deliberation. I will provide examples with issues deliberated on the floor of the Parliament of Ghana in 2017, because these issues were recorded, transcribed and documented.

On October 25, 2017, a member of parliament (MP) of the Ghana Parliament, Mr. Samuel Okudzeto Ablakwa, took to the floor of the House to lament the shabby treatment Ghanaians seeking to travel overseas were receiving from some embassies. Mr. Ablakwa was not happy at what he described as ‘the shabby and dehumanizing treatment meted out to many Ghanaian visa applicants virtually on a daily basis’.³ He also referred to some of the activities of these embassies as ‘extortionist’.⁴ Although Mr. Ablakwa is a member of an opposition party, the National Democratic Coalition (NDC), the issue he presented received the unanimous support of all the MPs. The only opinions expressed by others were those of regret that action had not been taken about the matter earlier, or reminders that such treatment is not lawful, or calls for specific actions of some sort or the other. The political differences between the ruling and opposition parties were conveniently forgotten. An MP of the ruling National Patriotic Party (NPP), Mr. Frank Annon-Dompeh, said, ‘I believe, over the years, we have not reverted our minds to this concern because of diplomatic concerns and diplomatic reasons’ and admitted, ‘it is time to take some important

3 PD of Ghana 2017, Vol. 99, No. 14, p. 1293.

4 Ibid.

decisions'.⁵ A member of the opposition NDC, Mr. Dominic A. Ayine, cited both United Nations and Vienna Conventions on civil and political rights and diplomatic relations protecting the rights of applicants. The Minority Leader, another member of the opposition NDC, Mr. Haruna Idrisu, argued that the visa processes would need to be simplified, 'whether for business, tourism or for other purposes'.⁶ This deliberation was cordial from the beginning till the end. Let me highlight a second issue attracting a natural unanimity.

On November 29, 2017, an MP of the ruling party, who is the Chairman of the Parliamentary Committee on Foreign Affairs, Mr. Frank Annoh-Dompeh, asked members of parliament to consider the fate of Ghanaians and other Africans who were being exploited in Libya. He remarked that although Libya has become a popular migration route to Europe, it has become a slave den where Ghanaians and other Africans are sold for forced labor or sexual exploitation. He also alleged that armed gangs have been preying on migrants.⁷ Again, this issue ignored party differences. It was a member of the political opposition, Mr. Ablakwa, who rose to condemn the phenomenon as 'tragic' and a 'despicable evil', mentioning that he saw it mentioned in the media that those seen in slave detention camps included Ghanaians.⁸ A member of the ruling party, Nana Akua Owusu Afriye, agitated that such acts must stop on a global scale. According to her, Ghanaians need to 'put our feet down; every nation must rise up and ensure this thing would never happen again and not to any human being at all'.⁹ Other MPs were generally in sync with the mood so far outlined. Some regretted why Ghanaians would take premature decisions to go to Europe, where people are also not finding things easy, some others argued that government would need to support the migrants when they arrived home on repatriation, and rehabilitate them to 'help develop Mother Ghana'.¹⁰

5 *Ibid.*, 1297.

6 *Ibid.*, 1305.

7 *Ibid.*, 4129.

8 *Ibid.*, 4133.

9 *Ibid.*, 4134.

10 *Ibid.*, 4137.

So far, I have cited two issues that elicit a similar interest from every participant in a specific deliberation. Let me now cite three issues whose remedies are so straightforward as to elicit natural unanimities. The clearest of these issues relate to health, ostensibly because no one would disagree with the idea that humans should keep healthy. On Friday October 20, 2017, an opposition MP of NDC, Dr. Robert Baba Kuganab-Lem, brought up the matter of breast cancer. He cited data from the World Health Organization showing that over 2000 Ghanaian women were diagnosed with breast cancer in 2012, and half of them had since died.¹¹ He dwelt on the need for early treatment and the disadvantages of late detection. To this matter a member of the ruling party, Mr. George Kojo Nenyi Andoh, contributed by highlighting the roles of estrogen and progesterone in developing breast cancer. He also cited studies showing that African women are at higher risk compared to European women.¹² He made other points I would leave out for burden of detail. Other parliamentarians contributed, mostly constructively, advocating for a national policy to have the breasts of women and girls screened, provide early diagnoses, establish avenues for creating awareness, and so on.

It is difficult to imagine a member of parliament objecting to the idea that we should fight breast cancer. As such, party differences were irrelevant to the issue. The same pattern can be seen in discussions on the fight against polio. On Wednesday October 25, 2017, an MP of the ruling NPP, Dr. Kwabena Twum-Nuamah, brought the polio consideration before the parliament.¹³ He talked about the fatal and vicious potentials of the polio virus. He reminded the parliament that although no cure existed, there were effective vaccines.¹⁴ He praised the government's handling of the program, but argued that more needs to be done. An MP of the opposition, Mr. Alexander Roseelt Hotterdze, pointed out that the

11 PD of Ghana 2017, Vol. 99, No. 12, p. 1117.

12 Ibid., 1119.

13 PD of Ghana 2017, Vol. 99, No. 14, pp. 1276–1293.

14 Ibid., 1276–1277.

government had made strides in tackling the disease, and previous success needs to be sustained.¹⁵ A member of the ruling party, Dr. Kwaku Afriyie, cited prominent personalities that helped in the fight against the virus. The deliberation continued on this congenial note, and other MPs added their voices.

We could also see this congenial kind of deliberation when the Ghana Parliament discussed the outbreak of meningitis on December 6, 2017. The Minister for Health, Mr. Kwaku Agyeman-Manu (MP), brought the matter to the floor of the legislative house,¹⁶ and members made many contributions, most of them informative and constructive. There was a critical moment when a member of the opposition, Dr. Robert Baba Kuganab-Lem, asked, 'Mr Speaker, I would want to know from the Hon Minister whether he thinks that the lack of an appropriate public health response system has escalated the matter to that level, and what he is doing about it?'¹⁷ However, this critical question was complimented by a more sympathetic tone from another member of the opposition, Dr. Sebastian Ngemenso Sandaare, who commended the Minister but argued that the government should have made its move against the disease earlier, precisely in April, when the first cases emerged.¹⁸ From this deliberation, one observes that the opposition party could be interested in knowing how the ruling party is handling a health issue. But that is a clerical matter of logistics: an opposition party would not go against a health initiative as far as it actually improves people's health.

Contrary to general impression, natural unanimities occur quite often, even in parliamentary deliberation. They depend primarily on the issues: certain issues lend themselves to natural unanimities more often than not. From the foregoing examples, one could see that such issues include health and issues with nationalistic appeal, especially issues putting all

15 *Ibid.*, 1280.

16 *Ibid.*, 4127.

17 *Ibid.*, 4536.

18 *Ibid.*, 4537.

Ghanaians on one side and a foreign entity on the other. Such issues provide no room for Ghanaians to compete with one another. This enables such issues to generate altruism in Ghanaian politicians, and the altruism-generating nature of such issues is why they lead to naturally unanimous decisions, but there are certain other issues that do not lend themselves to natural unanimities. These are issues where interests are divided. I would call these anti-consensus issues (at least in the context in which they oppose consensus). For some of these issues, the interest division is too strong to be resolved through deliberation because they emanate from the desire to win elections (entailing defeating a rival) in order to rule. In parliamentary debates, these issues usually concern managing the economy, stabilizing the local currency, providing amenities and infrastructure, running government agencies. Two issues that appear to never lead to a naturally unanimous decision are budget and the borrowing of loans. Let me begin with budgeting.

Ghana not only practices a multiparty majoritarian democracy but also a winner-takes-all or winner-rules-alone model. In Ghana's case, the winner-takes-all is relatively more brutal in many intercountry comparisons because the country still operates a unitary system of government (although certain personalities are calling for a federal system). This means that any party winning the Presidency gets to rule all tiers of government from the central to the regional and down to the district or municipal levels. In fact, the entire country is in the hands of the ruling party. The stakes are, therefore, as high as they could ever be. A good budget increases the popularity of the ruling party as well as its chances of winning the next election. Because this means keeping the political opposition completely out of executive power, members of the opposition tend to run down the budget proposal of the Finance Minister (usually a member of the ruling party) with the most severe criticisms possible. Because a good budget is not in the interest of the political opposition, a parliamentary decision to approve the budget can never be a natural unanimity. On Tuesday November 21, 2017, after the Minister of Finance presented the budget, a member of the ruling party, Prof. Gyan-Baffuor, described the budget as the best in

the country's history.¹⁹ In response, members of the opposition described the budget with words from the opposite end of the value chain, such as 'empty' (a qualification made by Mr. Cassiel A. B. Forson of the opposition²⁰). As a unanimous decision to approve the budget is not easy on this issue, the Speaker of Parliament would need to decide based on majority opinion. Fortunately, the proposals of ruling parties usually succeed because ruling parties are more likely than not to occupy most seats in parliament.

The failure of unanimity is even worse on the issue of borrowing loans. Opposition parties are not happy when ruling parties decide to borrow loans because they (the Opposition) are likely to be the ones saddled with the obligation of repaying the loan if they get into power. So, although they inherit the loan if they win the next election, they do not get to spend the loan, only to repay it. Meanwhile, it is clear to the opposition that the ruling party is borrowing the loan to perform better and extend their stay in power. Indeed, the opposition knows the ruling party borrows loans indirectly to defeat them (opposition) in the next elections. This is because loans are mostly for improving or managing the economy, and the theoretical exception would be loans for relief from disaster (including any loans obtained during the COVID-19 pandemic). For this reason, loans have always generated controversy and heated debates. Only the power of majority opinion makes it possible for the legislature to decide to approve loans. When the ruling party (the NDC) sought to secure a loan in 2011, the opposition (the NPP) boycotted the deliberation and the loan was approved in their absence. When the opposition (the NPP) took power, they devised other ways of borrowing loans, such as arranging for China to construct infrastructural projects in exchange for 2 billion USD worth of Ghanaian bauxite (Appiah 2018: para. 9). The minority leader and a member of the opposition NDC, Mr. Haruna Iddrisu, told the press, 'Let nobody attempt, through deception, to say that this is not a

19 PD of Ghana 2017, Vol. 99, No. 30, Tuesday November 21, pp. 3448–3455.

20 Ibid., 3455.

loan. We need to be sober. If the government wants to borrow for infrastructure, say “we are borrowing”; we (the Minority members) will support you’ (Ibid., para. 10). In spite of parliamentary approval, the opposition wrote a letter to the World Bank and the International Monetary Fund making several complaints and seeking some clarifications about the supposed barter. This was evidence that the acrimony continued beyond the approval. Nothing was a clearer example that the opposition was not part of the approval at heart.

There is, in my view, a lesson one can immediately glean from the issues leading to both natural and constrained unanimities seen in the examples of parliamentary deliberation. It is that issues and the topography of interests in issues have roles to play in determining the nature of unanimities. The dispositions of participants have roles to play, but it seems to me that the role of the nature of issues being deliberated is quite significant. At this point, I can make the conclusion that depending on the nature of an issue being deliberated, and the topography of the interests of participants in a deliberation arising from the issue, all roads do not always lead to a common position in all issues. For those issues in which participants are unable to stir unconstrained to a common position, any common position adopted is unnatural: what I would call an artificial unanimity. In reality, it is a majority outcome. The process that makes it possible is what I call implicit voting.

I have earlier referred to implicit voting as the transformation of majority opinion into the decision of a group *within* deliberation. In the light of my discussion of unanimities, one could see that implicit voting is the deliberative process that leads to artificial unanimity in the event of the failure of natural unanimity. Suppose the Ghanaian parliament were constitutionally required to reach consensus decisions. There is nothing such a requirement could do to change the topography of interests (indeed, nothing short of abolishing the competitive winner-rules-alone democracy could alter the interest landscape). It is clear that parliamentary approvals of loans and budgets would not be natural unanimities, in spite of any documented expressions about consensus. This is because such

approvals are only attempts to ignore interests that are indeed at cross-purposes.

However, let me, concede that the current decisions should not be called consensual because the Speaker of Parliament explicitly counts the number of parliamentarians in favor and those against approval. Let me also concede that, in strict terms, we can dismiss this as explicit voting. A more accurate example of implicit voting would be that of a consensus decision that is technically not a natural unanimity. For an example, the American constitution requires juries to reach unanimous verdicts, but the issues do not always lend themselves to natural unanimities. In rare cases the evidence is so straightforward that all jurors agree without much hesitation to a common position. This is natural unanimity. What is more common is that the body of evidence is not straightforward, and jurors are left in certain cases to deliberate on largely unsatisfying circumstantial evidence. It is now a cliché to mention that such deliberations could take hours, days and even weeks. The length of time consumed is by itself indicative of the depth of division in opinion. But however serious the disagreement is, one side must suspend its opinion to make possible a unanimous verdict. Such unanimities can hardly be described as natural. They are in fact majority outcomes. The difference with explicit voting boils down to whether there was an explicit counting of opinions according to number of participants, but this difference is not technically significant, as it is only about ways of *discovering* the majority. This difference is only epistemological.

When a debate has taken stock of everyone's opinions, any participant in the debate *automatically* acquires a sense of which opinion has majority support. When this happens, implicit voting has taken place. I qualify this kind of voting as implicit because it does not require an umpire to ask the participants supporting each opinion to raise their hands and be counted. Once implicit voting has taken place, it assumes a presence in the mind of participants as deliberation progresses. It then begins to influence deliberation in subtle ways. It goes as far as becoming a plan B in the case that plan A (a natural unanimity) fails. If unanimity continues to fail

and implicit voting has occurred, deliberation often proceeds like a cylinder rolling downhill in favor of majority opinion. There are, to be fair, cases where minority opinion makes consensus, but to achieve this, minority opinion would need to secure the support of more participants in deliberation. This means minority opinion has to turn into majority opinion to end as final collective decision. A minority opinion is so called because it does not enjoy broad support. This means that majority opinion is not only the most attractive candidate for group decision, but technically the only candidate.

What I am at pains to explain is that not all consensus decisions are natural unanimities. Those consensus decisions resulting from prolonged disagreement are not guaranteed to be natural unanimities. There is a likelihood that they emerge from the prevailing of a majority opinion. To the extent that such consensus decisions do not embody the natural will of all participants, they are what I would call artificial unanimities. They are products of implicit voting.

A little more needs to be said about the distinction between natural and artificial unanimities. Coglianese comes close to capturing the distinction when she writes, ‘Consensus commonly means unanimity or, at a minimum, something that everyone can “live with”, even if it is not the ideal policy that everyone would want’ (2001: 95). She also writes, ‘The Negotiated Rulemaking Act defines “consensus” as a “unanimous concurrence” of the interests represented on a negotiated rulemaking committee, or any lesser agreement that has been unanimously agreed to by the committee’ (Ibid.). A *lesser* agreement unanimously agreed to become a group decision is not in the same class as a unanimous position to which everyone agreed from the onset. A supposedly consensus decision is more likely to be seen as unanimous *outside* the group that took the decision. Quite often, only members of the group are aware of objections suspended in order to break an impasse. Suppose a group chose to say it has arrived at a common decision without an explicit process of balloting, and suppose the final position does not emerge from the bottom of the heart of every

participant. It is, for purposes of further research, more accurate to call it an artificial unanimity than to say it is a consensus but not unanimity.

Back to my point about implicit voting, Wiredu also reveals in his description of deliberation that participants in deliberation are able to detect majority opinion in an implicit way, and distinguish it from minority opinion. Wiredu makes this observation,

... where there is the will to consensus dialogue can lead to a willing suspension of disagreement, making possible agreed actions without agreed notions. This is important because certain situations do, indeed, precipitate exhaustive disjunctions which no dialogic accommodation can mediate ... This is the severest challenge to consensus, and it can only be met by the willing suspension of disbelief in the prevailing option on the part of the residual minority. (1996: 183)

Wiredu writes that the minority is expected to suspend their disagreement in favor of what he calls 'the prevailing option'. Given that the minority is expected to yield to such an option, what makes the option prevail is the fact that a superior number has adopted it, not necessarily that it has a superior logic or epistemic value. What this suggests is that implicit voting existed in ancient societies. Wiredu claims that there was no long-standing word for voting in pre-colonial Ashanti society (1996: 184). But this, in my analysis, was because voting was not explicitly done.

Intractable and difficult issues have one thing in common: there is no clear solution to them. Often this is because logic is unable to play a clear role. Often it is because personal, sectional interests dilute clear logic. Whatever it may be, such issues become murky because no participant is able to suggest a clearly convincing way out of a problem. I have previously distinguished between features that make issues clear and what makes them difficult (Ani 2019). Certain issues (which I call Type 1 issues) boast of clear solutions, but certain other issues (Type 2 issues) do not have the potential for clear solutions because they lack clear logical grab-handles for deliberating about them. For example, an issue with a clearly and objectively logical solution will lead to a natural unanimity. No one, for instance, would argue with the fact that $2+2$ is 4, or that there is a specific distance between two houses. Anyone resisting these

answers would be quite foolishly resisting rudimentary arithmetic or physical measurement. The extent of logical 'purity' in these issues depends on the extent to which they are free from competing values, interests and subjective beliefs. That precisely is also the extent to which they attract natural unanimities. Another category of issues with a potential for natural unanimity would be that category with a potential of eliciting the common interest of every participant in the given deliberation, as we see with the nationalistic issues discussed in the Ghana Parliament.

Issues with no clearly superior logical solutions, and issues where interests are divided, normally result in longer deliberation. Some of these issues are those in which what should be logically simple may be undermined by either politics (competing interests) or competing subjective beliefs. When deliberation is prolonged, it is because there is division of opinion, and logic has so far failed. This is when implicit voting takes place. What logic has failed to do is somewhat gradually handed over to a subtle majority/minority consciousness. This consciousness increases its hold if three factors become significant: (1) participants must reach a group decision, (2) the costs of deliberation (in terms of time and resources) begin to mount, and (3) patience with further deliberation begins to wane. The examples with parliamentary budget and loan borrowing deliberations, and prolonged dilemmatic jury deliberations, bear this pattern.

Voting, therefore, exists, albeit implicitly, in some deliberations. This is different from explicit voting (balloting). The existence of implicit voting in deliberation is primarily to end intractable disagreements. This is the answer to the question posed by the title of my essay. Explicit voting occurs without deliberation, and does not need to be preceded by deliberation. So while implicit voting occurs in deliberation, explicit voting (at least currently) does not. This difference determines their relationship with deliberation. Explicit voting can do without deliberation; implicit voting not only exists in deliberation, but is a sort of plan B after consensus (plan A) in deliberation. Due to the existence of natural unanimities, implicit voting is not the standard way of ending deliberations that are aimed at common agreement. Implicit voting is only a remedy for failure

at natural unanimity, an instrument for resolving intractability in deliberation.

What majoritarian democracy has done is to single out the value of implicit voting as the prime way of ending intractability in deliberation, and institutionalize it by making it explicit as a *standard* way of decision-making (with or without deliberation) in electing political representatives. This political system leaves deliberation to the private wishes of the voter. The system does not demand to know if voters have deliberated on their preferences. This comes across as a weakness that deliberative democracy is striving to correct. However, this weakness is not my focus here.

4. Clarifying Certain Objections

My focus in this essay has been to clarify the role of voting in deliberation. To do this, it was necessary to distinguish between voting in deliberation and voting in balloting. Let me take this opportunity to respond to four objections expressed in prior discussions of voting. First, certain impressions have been created in certain academic circles that the kind of voting I call implicit voting (that is, voting as a last resort to break an impasse in deliberation) began to exist only when explicit voting was established. Second, the creators of this impression present themselves as the originators of (what I now call) implicit voting. To these two impressions, I will argue that implicit voting has always existed and is indeed a basic human solution to group decisional intractability. A certain scholar has argued that I discuss (what I now call) implicit voting as if it were explicit voting. My discussion in this article shows that this is a misperception. I will also dispel the view that I consider formal voting inevitable in concluding every single deliberation. I will then conclude that the distinction between explicit and implicit voting opens new vistas of thought about how to formulate a democracy that is at least more consensual than the majoritarian aggregative model.

Let me begin by correcting the first impression that (what I call) implicit voting only began to exist with the existence of explicit voting, and the second impression that implicit voting (voting to break deliberative impasses) is an original idea Wiredu has designed to lubricate democracy by consensus. Bernard Matolino makes us understand that Wiredu is the originator of these ideas. Wiredu claims that there was no word for voting in pre-colonial Ashanti language (1996: 184). It appears that Wiredu wishes the reader to believe that this means voting (within or without deliberation) never existed, even as an instrument for breaking intractability in deliberation. However, Wiredu, in presenting his proposal for consensual democracy, argues that voting could be used on rare occasions to break an impasse (1996: 190). It is pertinent to correct this vagueness in Wiredu by pointing out that voting as a way of breaking an impasse is as old as deliberation. That was implicit voting, which takes place so surreptitiously that people are not aware enough of the phenomenon to give it a name (that is, until now). Pre-colonial society would not have had a word for explicit voting, because it involves counting participants in a deliberation according to their opinions. The voting was implicit because participants did not need explicit counting to know which opinion is the majority opinion.

Whenever there is a deliberative impasse, and all logical solutions to reaching an agreement have failed, nature has always urged humans to notice which opinion has the greatest amount of holders in a deliberation. The majority criterion, although not usually seen as a satisfactory way of reaching decisions, becomes a saving default. The reason why participants in a deliberation resort to majority as a default in the failure of a natural unanimity is that the awareness that a certain opinion has the support of the majority can sometimes have a certain effect even on holders of the minority opinion. Holders of minority opinion often accept that they may need to suspend their position to enable group decision and action. The only way to argue that implicit voting never took place in ancient times is to argue that intractability never existed in the deliberations of the time, or that deliberations involving intractability never ended in

group decisions. Hence when I point out that consensus and voting coexist (Ani 2014: 346), I meant to correct Wiredu's notion that voting never existed during pre-colonial times, even as an instrument for resolving deliberative impasses. Bernard Matolino accuses me of contributing nothing to Wiredu's proposal by making this clarification (2018: 39). As such, Matolino needs as much clarification as Wiredu on the existence of voting as an instrument for breaking intractability *in pre-colonial deliberation*.

Let me now clarify the third impression, which Matolino has created of me as arguing that voting must be seen as a basic standard of decision-making, and that I vacillate between this and the idea that voting is a last resort for breaking deliberative impasses. According to him, 'Since majoritarianism is said to be impoverished by the voting process, opponents of consensus could argue that there is no public political process that can ever be successful without relying on voting. They could be taking a cue from Ani, who in discussing aggregative democracy writes ...' (Matolino 2018: 58). Nowhere have I argued that no political process can be successful without voting. Matolino cites a passage from me to substantiate his accusation. In this passage, I write,

In discussing aggregative democracy, I refer to the institutionalisation of *voting* as a basic standard for decision-making, instead of its usual function of being a last resort in cases of intractability or failure of consensus. This is because the most ideal form of group decision is usually a unanimous one. Wiredu has asserted that there was no word for voting in some traditional African societies, and that it seems to be a Western import ...

However, I argue that voting is a basic human solution to resolving intractability, and intractability exists everywhere. The very idea of voting cannot have been imported. What could have been a Western import is the *standardisation* of voting as a tool for decision-making, often without deliberation, which usually leads to a mere aggregation of pre- or un-deliberated preferences. (Ani 2013: 208, cited by Matolino 2018: 58)

Matolino argues that the first passage contradicts the second. He claims that in the first passage, I argue that voting 'must be seen' as a basic standard of decision-making, instead of being seen as a last resort in deliberation. However, a careful second look at the first passage shows that this is

not the case. When I refer to voting as a basic standard of decision-making, I was referring to voting *as institutionalized by aggregative democracy*, not as my prescription. The passage also shows that what I regard as the usual standard is voting as a last resort to dissolve intractability. What was not clear at the time is the distinction between implicit and explicit voting. In the light of such a distinction, one now sees I was referring to the institution of explicit voting by aggregative democracy, which was a way of institutionalizing implicit voting. But this institutionalization took away attention from the primary (and implicit) value of voting: that of ending deliberation and indeed needing deliberation.

One could see that my distinction between implicit and explicit voting enriches the second passage, in which I argue that voting is a basic human solution to resolving intractability, and that what was imported into Africa was not really voting but its standardization as a tool for electing political representatives. This should clarify Matolino, who writes that I court two positions: that voting is standard, and that voting is a last resort. He writes

He starts off by noting that voting must be seen as a basic standard for decision-making instead of it being seen as a last resort for ending intractability or rescuing the situation when consensus fails, but ends off by rattling a claim that voting is a solution to intractability and intractability exists everywhere. It suffices to state that in this case Ani can't, proverbially, have his cake and eat it too. (Matolino 2018: 58–59)

Matolino attributes another argument to me that is not the case, 'Ani points out that there is no way that decisions can be reached without using a formal system of voting' (Matolino 2018: 109). To this misrepresentation Matolino responds,

The point, then, is even if it were to be the case that consensus relied on a procedure of voting to break a deadlock, that process would be radically different from what voting entails in adversarial systems. This follows from the consideration that voting to break a deadlock, though it may still be voting, is qualitatively different from voting in order to register a victory. With the former this is seen as a last and undesirable resort, while with the latter it is seen as the first and most necessary move of decision-making. (Ibid., 110)

Matolino's response is only a restatement of my true position. Again, Matolino writes,

In my view, what Ani has in mind is voting of the majoritarian sort. One in which right from the beginning of the political process, the majority, by virtue of their ability to vote for the same preference are sure not only to carry that day but other days to come. Their association is one that is based on the knowledge that they have been able to come together by virtue of their desire to dominate others through sheer numbers. (Ibid., p. 110)

Nowhere have I made this argument. Matolino also asks if it is true that it is not possible to reach decisions that ultimately have to rely on voting. He writes, 'The second, and real issue, becomes whether it is the case that it is not possible to have political decision-making processes that ultimately have to rely on voting' (2018: 59). But I guess this question is directed at Wiredu, who argued that every decision in Ashanti royal deliberation was by consensus (Wiredu 1996: 185). In any case, I have now clarified this sort of confusion by arguing that not all consensus decisions are natural unanimities: those that are not natural are in fact products of implicit voting. And, yes, some decisions are reached without (both explicit and implicit) voting. They are the natural unanimities.

Concluding Remarks

It may be objected that the distinction between natural and artificial unanimities is a strong dichotomy.²¹ I will agree with this objection. And I am inclined to think that the cases I studied in the Ghana Parliament are at two ends of a spectrum. The health issues are perhaps the clearest examples of natural unanimity, while the budget and loan issues are perhaps the worst cases of deadlock. Further research may possibly show all other issues to fall in between these two (possible) extremes at some point in the spectrum. For instance, in the USA, Republicans and Democrats may be in deep disagreement when one health issue is to be prioritized over another health issue. And there may be issues in the middle ranges of

21 Wendy Russell of the Australia National Centre for the Public Awareness of Science (Australia National University) made this objection.

the spectrum where we may not agree on everything pertaining to an issue, but agree at least on some things.

Let me end by musing on some insights further research may explore from the concept of implicit voting. The value of implicit voting may be researched and developed further by investigations in social choice theory.²² On the other hand, it does appear that the more we focus on explicit voting, as currently practiced, the more negative effect on group reasoning.²³ This intuition may also attract further research.

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References

- Ani, Emmanuel I. (2013). 'Africa and the Prospects of Deliberative Democracy.' *South African Journal of Philosophy* 32(3): 207–219.
- . (2014a). 'On Agreed Actions without Agreed Notions.' *South African Journal of Philosophy* 33(3): 311–320.
- . (2014b). 'On Traditional African Consensual Rationality.' *Journal of Political Philosophy* 22(3): 342–365.
- . (2019). 'The Consensus Project and Three Levels of Deliberation.' *Dialogue: Canadian Philosophical Review* 58: 299–322.
- Appiah, Edwin. 2018. 'Government, Minority fight over definition of loan and barter in \$2bn China deal.' *My Joy Online*. August 23. Available at: www.myjoyonline.com/politics/2018/August-23rd/govt-minority-fight-over-

22 Francesco Veri, a Post-Doctoral Research Associate at the Centre for Deliberative Democracy and Global Governance, University of Canberra, Australia, made this remark.

23 Simon Niemeyer, Associate Professor, Centre for Deliberative Democracy and Global Governance, University of Canberra, Australia, made this contribution.

- [definition-of-loan-and-barter-in-2bn-china-deal.php](#) (accessed September 9, 2019).
- Coglianesi, Cary. (2001). 'Is Consensus an Appropriate Basis for Regulatory Policy?' In Eric Orts and Kurt Deketelaere (Eds.), *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe*. Dordrecht: Kluwer, 93–113.
- Cranford, R.E., and A.E. Doudera (eds.) (1984). *Institutional Ethics Committees and Health Care Decision Making*. Ann Arbor, MI: Health Administration Press.
- Eze, Emmanuel C. (2000). 'Democracy or Consensus? Response to Wiredu.' *Polylog*. Available at <http://them.polylog.org/2/fee-en.htm>.
- Eze, Michael. (2008). 'What is African Communitarianism? Against Consensus as a Regulative Ideal.' *South African Journal of Philosophy* 27(4): 106–119.
- Fayemi, Ademola Kazeem. (2010). 'A Critique of Consensual Democracy and Human Rights in Wiredu's Philosophy.' *Lumina* 21(1): 1–13.
- Fost, N., and R.E. Cranford. (1985). 'Hospital Ethics Committees: Administrative Aspects.' *Journal of the American Medical Association* 253(18): 2687–2692.
- Fuerstein, Michael. (2014). 'Democratic Consensus as an Essential Byproduct.' *Journal of Political Philosophy* 22(3): 282–301.
- Gutman, Amy and Dennis Thompson. (2004). *Why Deliberative Democracy?* Princeton and Oxford: Princeton University Press.
- Gyekye, Kwame. (2013). *Philosophy, Culture and Vision*. Legon-Accra: Sub-Saharan Publishers.
- Kalumba, Kibujjo M. (2015). 'Consensus and Federalism in Contemporary African Political Philosophy.' *Philosophical Papers* 44(1): 103–119.
- Kliegman, R.M., M.B. Mahowald, and S.J. Younger (1986). 'In Our Best Interests: Experience and Workings of an Ethic Review Committee.' *Journal of Pediatrics* 188: 178–188.
- Lynn, J. (1984). 'Roles and Functions of Institutional Ethics Committees: The President's Commission's View.' In Ronald E. Cranford and A. Edward Doudera (Eds.), *Institutional Ethics Committees and Health Care Decision Making*. Ann Arbor, MI: Health Administration Press, pp. 22–30.
- Matolino, Bernard. (2013). 'The Nature of Opposition in Kwasi Wiredu's Democracy by Consensus.' *African Studies* 72(1): 138–152.

- . (2018). *Consensus as Democracy in Africa*. Grahamstown: NISC/AHP.
- Moreno, Jonathan. (1988). 'Ethics by Committee: The Moral Authority of Consensus.' *Journal of Medicine and Philosophy* 13(4): 411–432.
- Parliamentary Deliberation of Ghana. (2017). Vol. 99, Nos. 1–45.
- Robertson, J.A. (1984). 'Ethics Committees in Hospitals: Alternative Structures and Responsibilities.' *Connecticut Medicine* 48(7): 441–444.
- Teffo, Joe. (2004). 'Democracy, Kingship and Consensus: a South African Perspective.' In Kwasi Wiredu (Ed.), *A Companion to African Philosophy*. Malden: Blackwell Publishing Ltd., pp. 443–449.
- Wamala, Edward. (2004). 'Government by Consensus: An Analysis of a Traditional Form of Democracy.' In Kwasi Wiredu (Ed.), *A Companion to African Philosophy*. Malden: Blackwell Publishing Ltd., p. 435–441.
- Wiredu, Kwasi. (1996). *Cultural Universals and Particulars*. Bloomington and Indianapolis: Indiana University Press.
- . (2011). 'State, Civil Society and Democracy in Africa.' In H. Lauer and K. Ayidoho (Eds.), *Reclaiming the Human Sciences Vol II*. Legon-Accra: Sub-Saharan Publishers, pp. 1055–1066.