

UNANIMITY, CONSENSUS, AND CONSENT



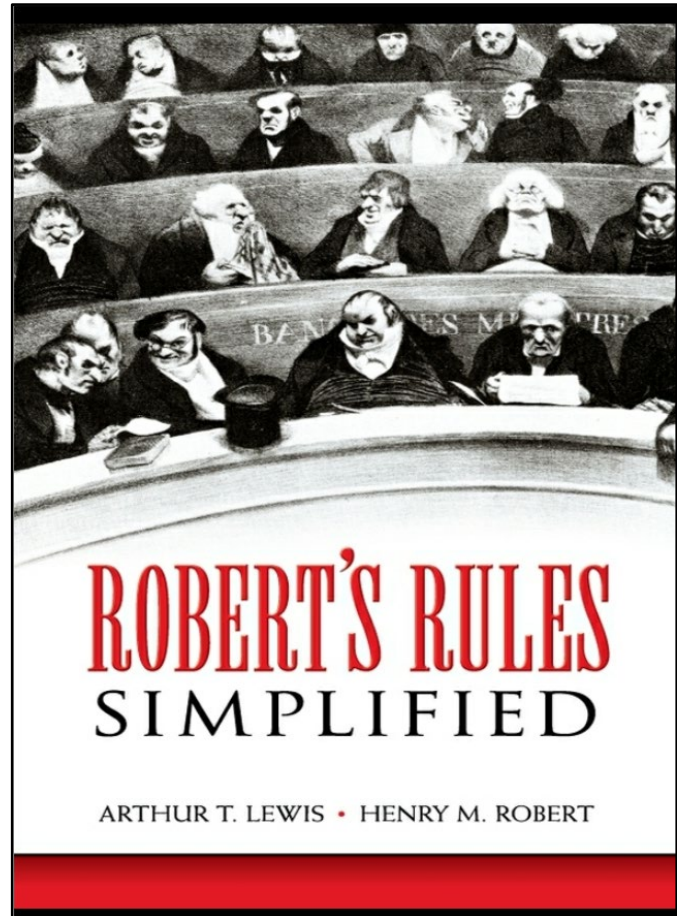
Steven J Bolen, PRP

DEMOCRACY: TWO WOLVES AND A LAMB VOTING ON LUNCH



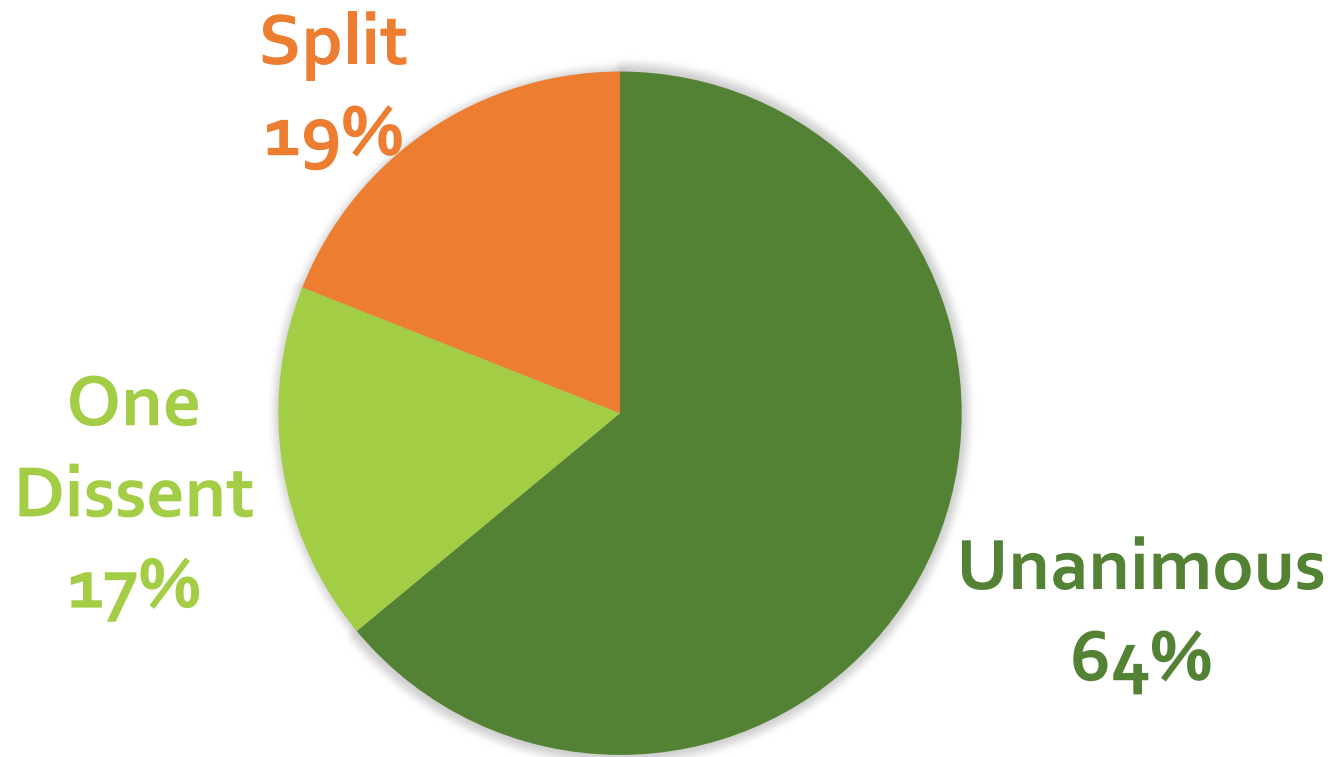
The Core of Democracy

Majority Decides



10. The majority decides—usually. The majority decides all ordinary questions, but it requires more than a majority to limit a member's parliamentary rights to introduce and discuss questions and vote, or to suspend or modify (without notice) a rule of order previously adopted.

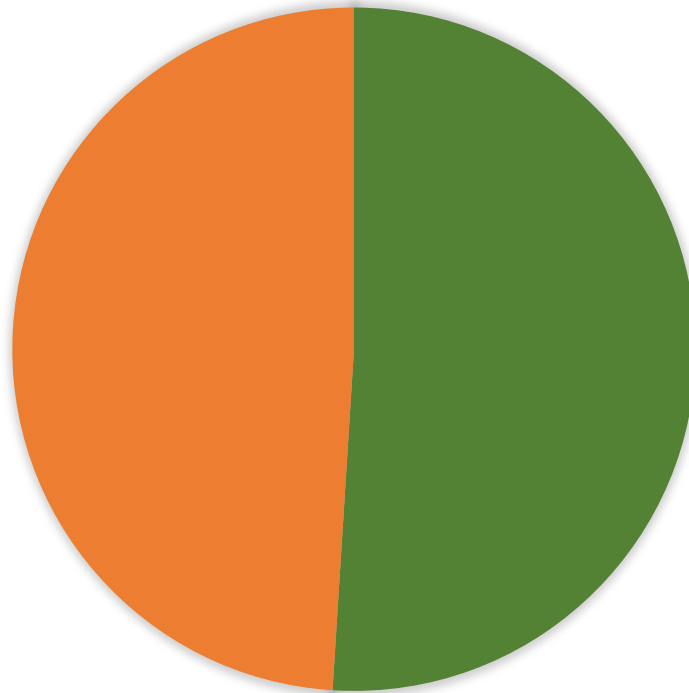
Supreme Court Decisions (2016-2022)



Is America More Divided?



No
49%



Yes
51%

Can We Find Consensus?



You only find complete unanimity in
a cemetery.

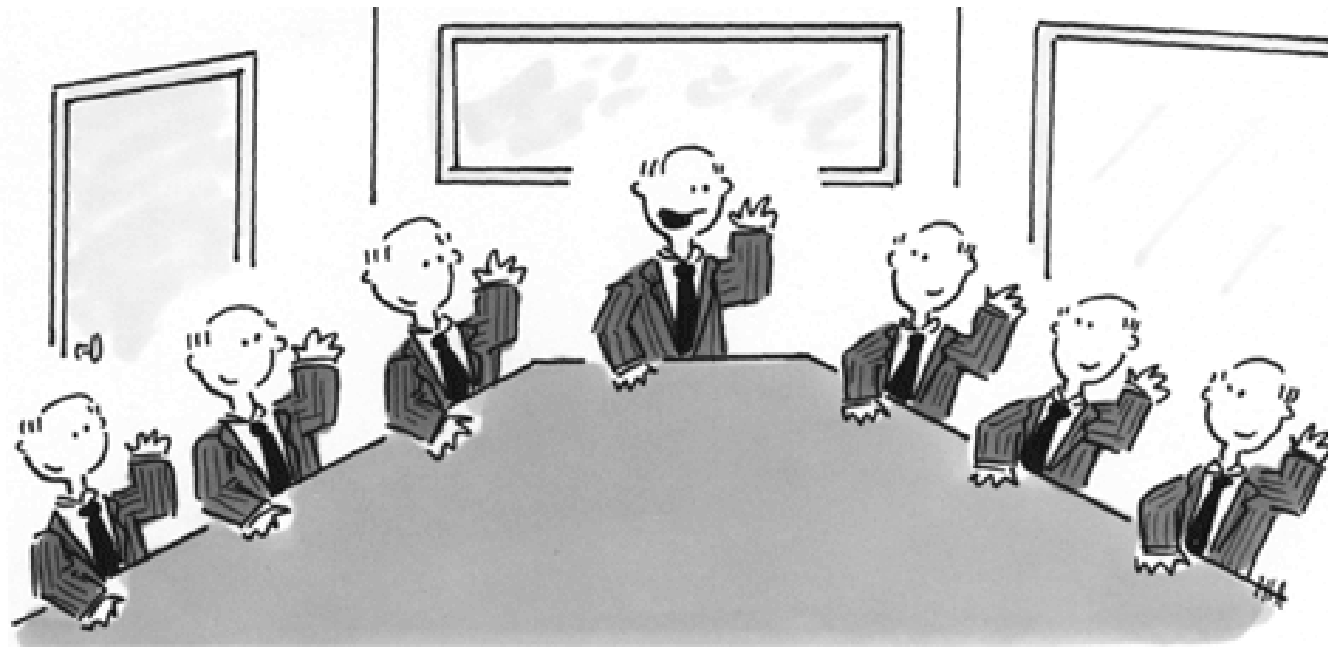
— *Abel Aganbegyan* —

AZ QUOTES

Best Path to Consensus!

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WWW.ANDERTOONS.COM



"Good, it's unanimous."



The Rabbit Hole of Source Material



LAWRENCE E. SUSSKIND
JEFFREY L. CRUIKSHANK

**BREAKING
ROBERT'S
RULES**



**THE NEW WAY TO
RUN YOUR MEETING,
BUILD CONSENSUS,
AND GET RESULTS**

Your Business
for the Competit
enging Everyt
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THE CAMBRIDGE HANDBOOK OF
**MEETING
SCIENCE**

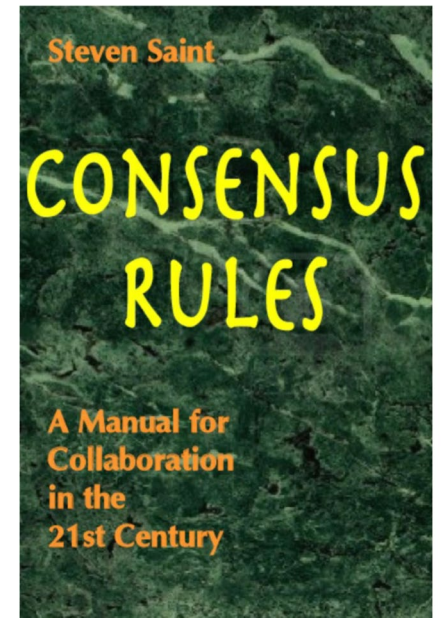
Edited by Joseph A. Allen
Nale Lehmann-Willenbrock
Steven G. Rogelberg



THE
**CONSENSUS
BUILDING
HANDBOOK**

A Comprehensive Guide to Reaching Agreement

Editors
Lawrence Susskind
Sarah McKernan
Jennifer Thomas-Larmer
The Consensus Building Institute



Beliefs about Robert's Rules



“Robert’s Rules of Order probably seem to many, especially the younger of us, to be ancient and nearly irrelevant.”

--Twin Cities DSA Feb. 7, 2021 Blog

A Growing Trend

PREVENTION COLLABORATION IN ACTION

Exploring Ways to Work Together

Decision-Making Models: Voting versus Consensus

As you begin working with new partners, it's important to consider *how* you will make decisions—from the big resolutions to the ordinary everyday choices. Who has the ultimate decision-making authority for the team? Will members be involved in making all decisions, or only some of them? Will the majority rule, or will all decisions require unanimous support?

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Board Leadership: Reaching consensus

June 4, 2019



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"HOW A SMALL ANN ARBOR COMPANY USED CONSENSUS DECISION-MAKING TO BUILD A \$50,000,000 BUSINESS"



YOU SHOULD TRY

Consensus Decision Making

Gathering consensus takes time, but it works well when a decision will impact lots of people who have both valuable insight and the capacity for candid negotiation.

PROGRAM ON NEGOTIATION
HARVARD LAW SCHOOL



Daily Blog

Examples of Difficult Situations at Work: Consensus and Negotiated Agreements

How to motivate negotiators to make the best choices in negotiated agreements

BY PON STAFF — ON JUNE 23RD, 2022 / DEALING WITH DIFFICULT PEOPLE



Can a Deliberative Democracy use Robert's Rules of Order to create and manage a consensus model of decision making?

What is the Difference?



Unanimity

Consensus

Universal
Agreement

General
Agreement

100%

Close to 100%



Types of Consensus

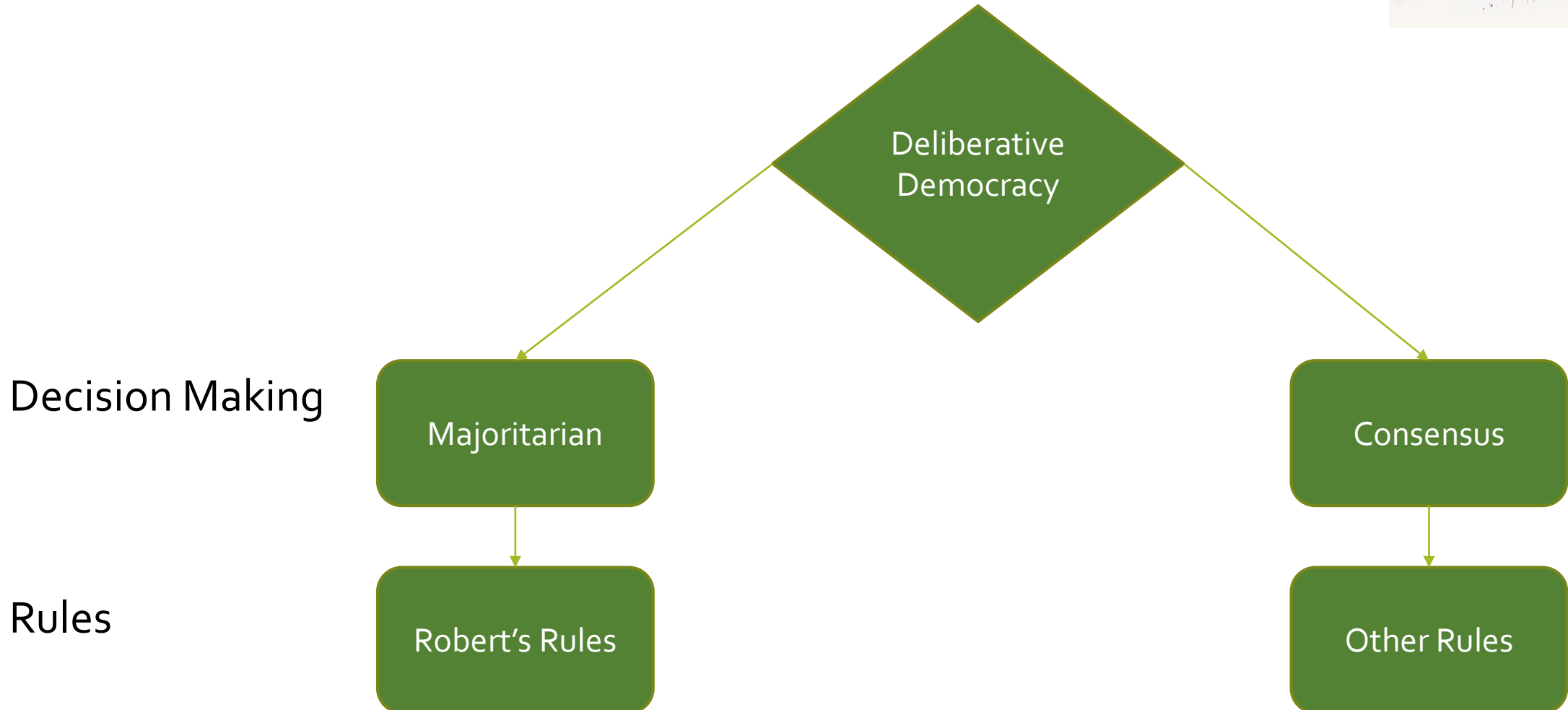
Mental

Interactional

**Agreement of
Belief**

**Agreement of
Action**

The Models of Democracy

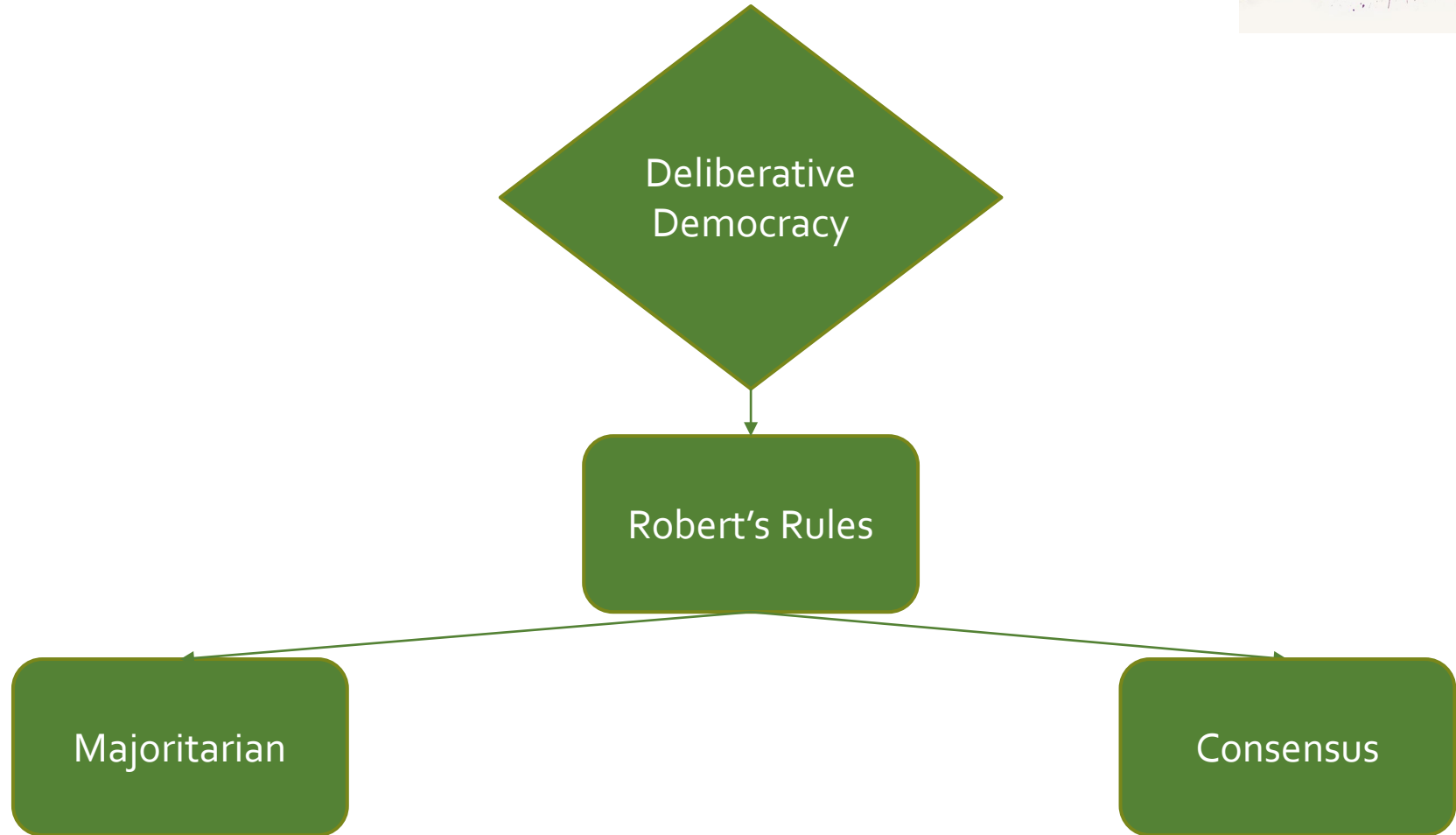


A Better Path



Rule Book

Decision Making



Methods of Decision Making



- Anonymous Voting: **Voice**
- Public Voting: **Standing**
- Secret Voting: **Ballot**
- Recorded Voting: **Roll Call**
- Assumed Voting: **Unanimous consent**



Unanimous Consent



Primary Topic?
Or
Advanced Topic?



Unanimous Consent



Joe Labozzetta

Unanimous Consent finishes first in the Woodhaven Stakes at Aqueduct on Saturday.

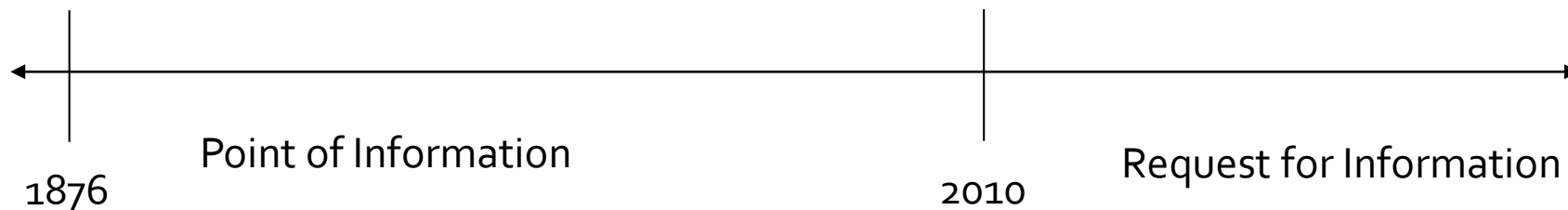
Point or Request



RONR 33:6

B. Request for Information.

A Request for Information (also called a Point of Information)

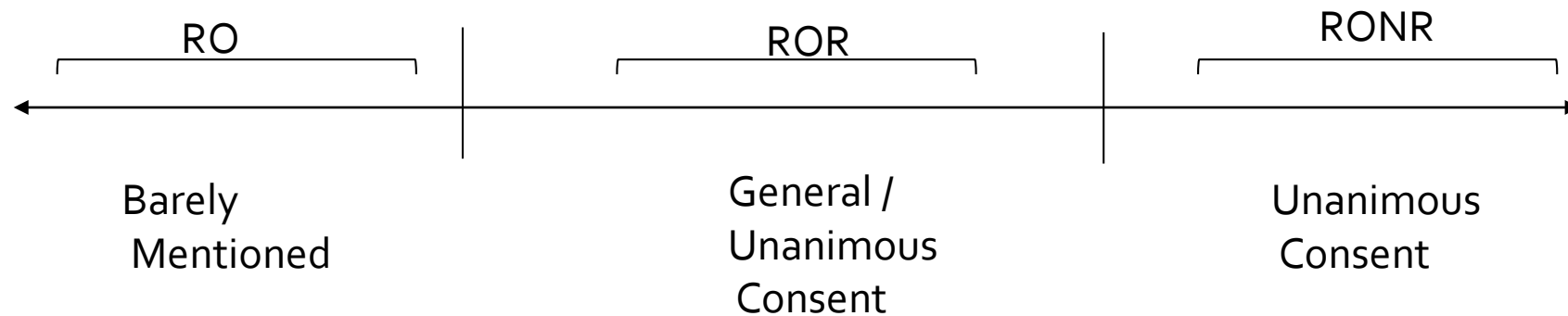


Unanimous or General



RONR 4:58

... time can often be saved by the procedure of unanimous consent, or as it was formerly also called, general consent.



Unanimous or General



Parliamentary Law pg. 190: "When the chair asks if there is any objection to a proposed, action, and none is made, it is virtually a unanimous vote."

	General Consent	Unanimous Consent
Robert's Rules of Order	6	5
Robert's Rules of Order Revised	39	8 (27 times Unanimous vote)
Robert's Rules of Order Newly Revised	1	125

The Phrasing from Section 4 of RONR



Step 1: Announce Unanimous Consent will be used:

-> "If there is no objection....."

-> "without objection...."

Step 2: Pause for Objection

Step 3: Announce Result

-> "There being no objection, the motion is adopted."

Key Elements to a Democracy



- Rule of Law
- Respect for Individual Rights
- Electoral Process
- Public Participation
- Separation of Powers
- Consent of the Governed

RONR Itself

Member Rights

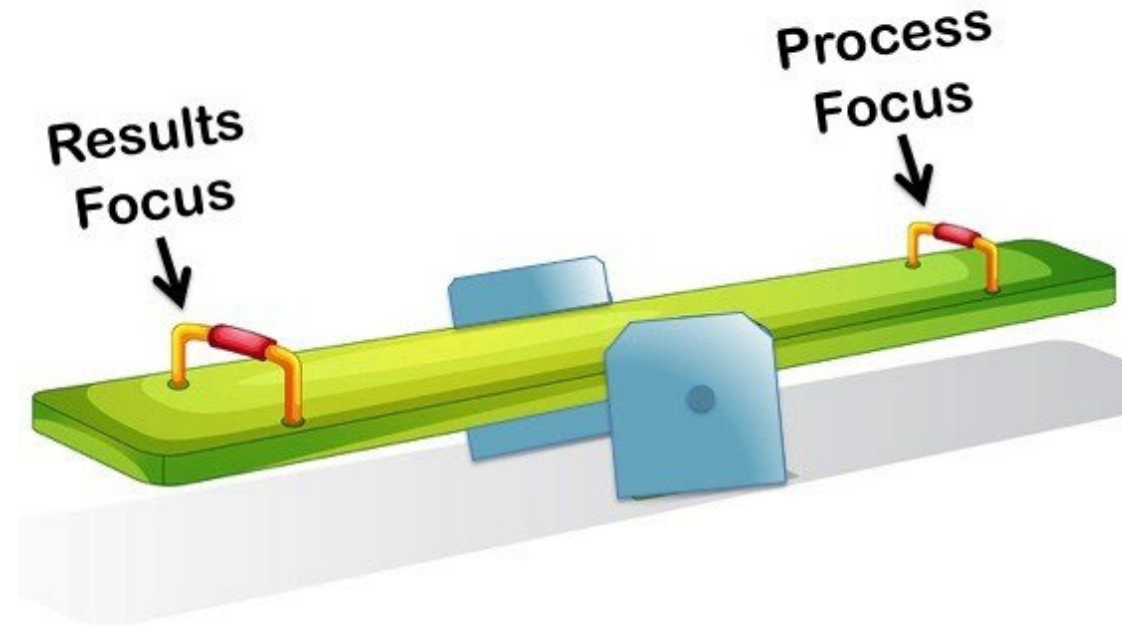
Rules for Voting

Right to Debate and Make Motions

Executive Board and Trials

RONR 1:1

What have you Consented to?



RONR: Consent of the Governed



Section 1, Paragraph 1

- ... through which the voting member joins in assuming direct personal responsibility for the decision, should his or her vote be on the prevailing side.
- Failure to concur in a decision of the body does not constitute withdrawal from the body.

What are Consenting to?



Majoritarian

Unanimity

Consenting
to a Decisions

Consenting
to Ideas



Definition of Consent

“Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means voluntary agreement by a person in the possession and exercise of sufficient capacity to make an intelligent choice to do something proposed by another.”

-- Black's Law Dictionary

Limitation



**Consent
Without Knowledge
Is not Consent**

Getting to Unanimous Consent

- 1) Deliberate!
- 2) Put the Question



Types of Consensus



Mental

**Agreement of
Belief**

Delphi

Deliberation

Interactional

**Agreement of
Action**

Imposed

Affirmed

Explicit

Consensus Models



	Mental Consensus		Interactive Consensus		
	Consensus of Belief		Consensus of Action		
Type	Delphi	Deliberation	Imposed	Affirmed	Explicit
Social Network	Isolated	In a Group	Imposed from Above	Discourages Dissent	Encourages Dissent
Expression	Published statements agree	Agreement by expression	If there is no objection	Are we all in agreement?	Is there anyone who can't live with this decision?

Level of Agreement Required



Affirmed Model

Explicit Model

Low Stakes



High Stakes

Short Term



Long Term

Simple Problem



Tough Problem

Low Investment



High Investment

Low Autonomy



High Autonomy

**Lukewarm Support
is Enough**

**Enthusiastic
Support Demanded**

Getting to Unanimous Consent

- 1) Deliberate!
- 2) Put the Question
- 3) Pause for a response

TAKE A
PAUSE



The Art of the Pause



The Time Factors



- Reaction Time
- The Size of the Assembly
- The Use of Microphones or other Speaking Stations
- Your ability to hear

Fatal Mistake



Not Allowing Time for an Objection

-> Don't give the appearance of railroading

Note: Objections allowed until the next item of Business is Begun

Getting to Unanimous Consent

- 1) Deliberate!
- 2) State the Question
- 3) Pause for a response
- 4) Announce the result



When Not to Use

- Statutory Requirement
- Controversial Subject
- A Record in the Minutes is needed
- When a persistent opposition exists

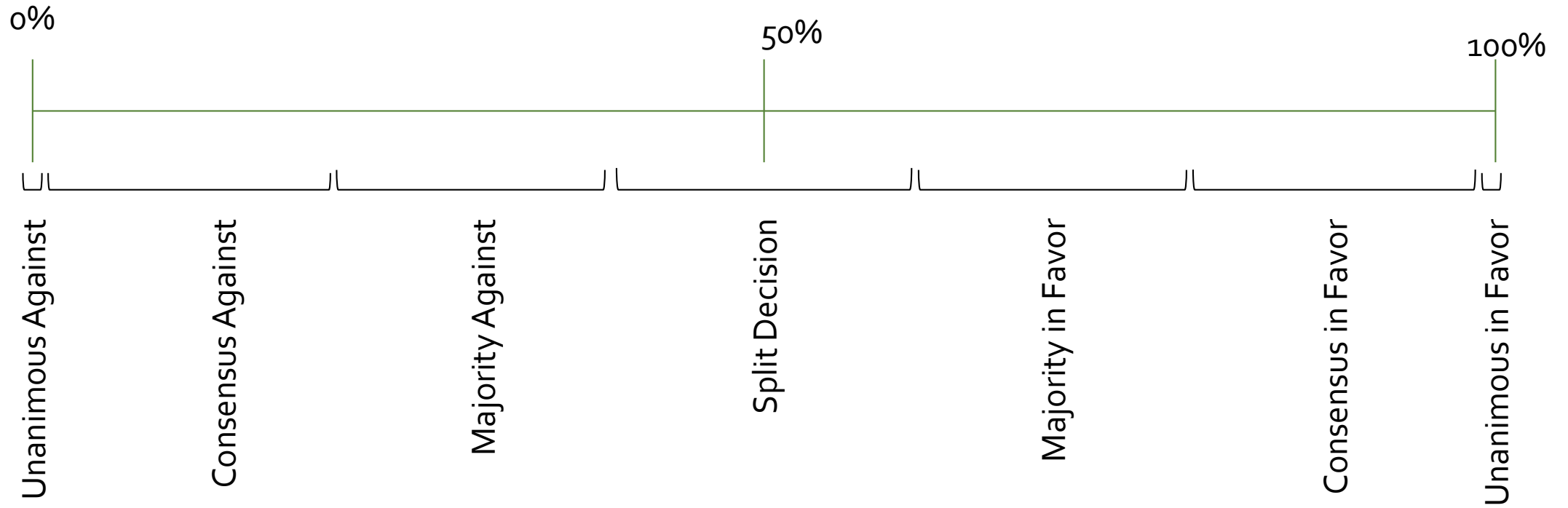


Overview of The Steps

- 1) Deliberate!
- 2) State the Question
- 3) Pause for a response
- 4) Announce the result



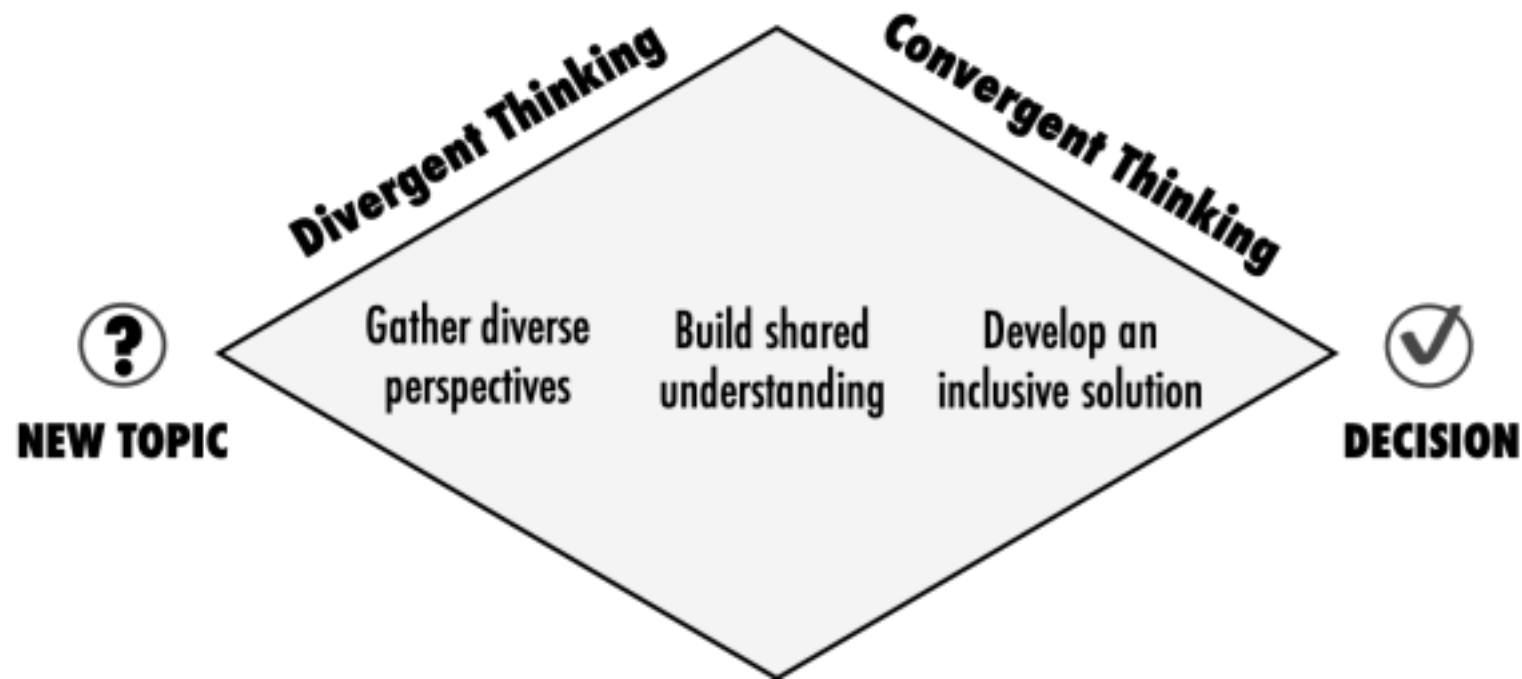
The Scale of Things



Getting to Consensus



What are we consenting to?



"find a way to stimulate a like interest in the silent majority that has not caught the spark and so holds back the great potential effectiveness of the group – Suthers

STEPS TO HANDLE OBJECTIONS



ACKNOWLEDGE



CLARIFY



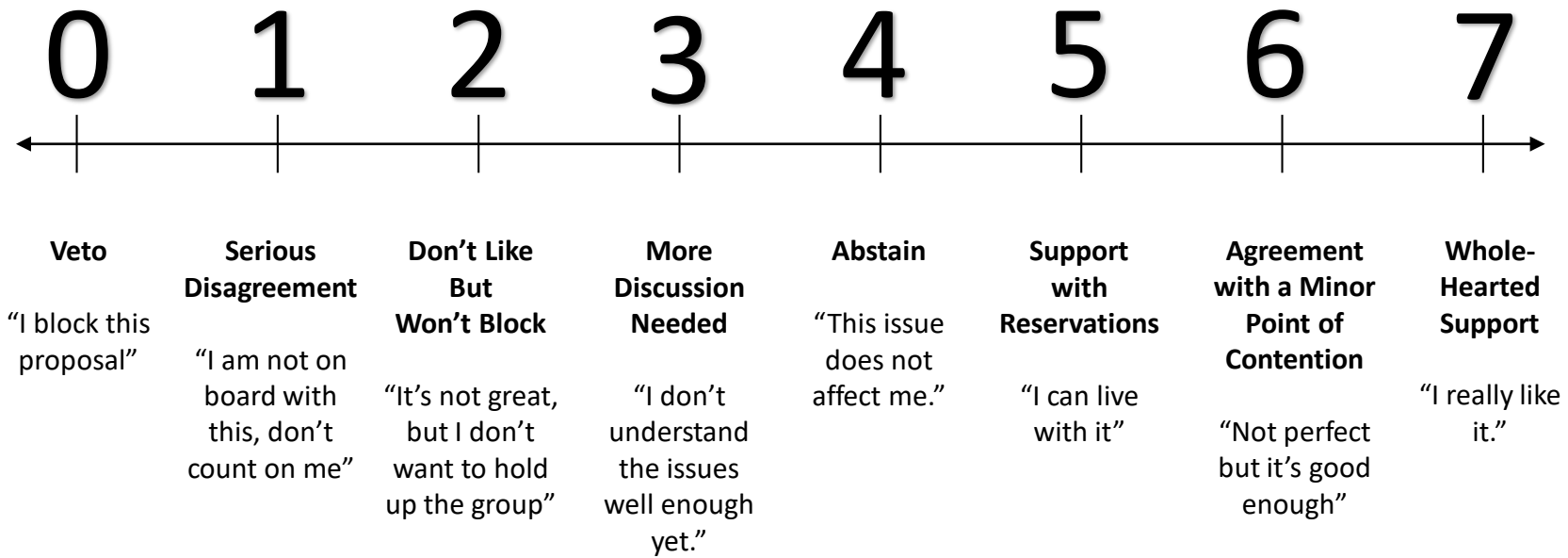
**ADDRESS THE
OBJECTION**

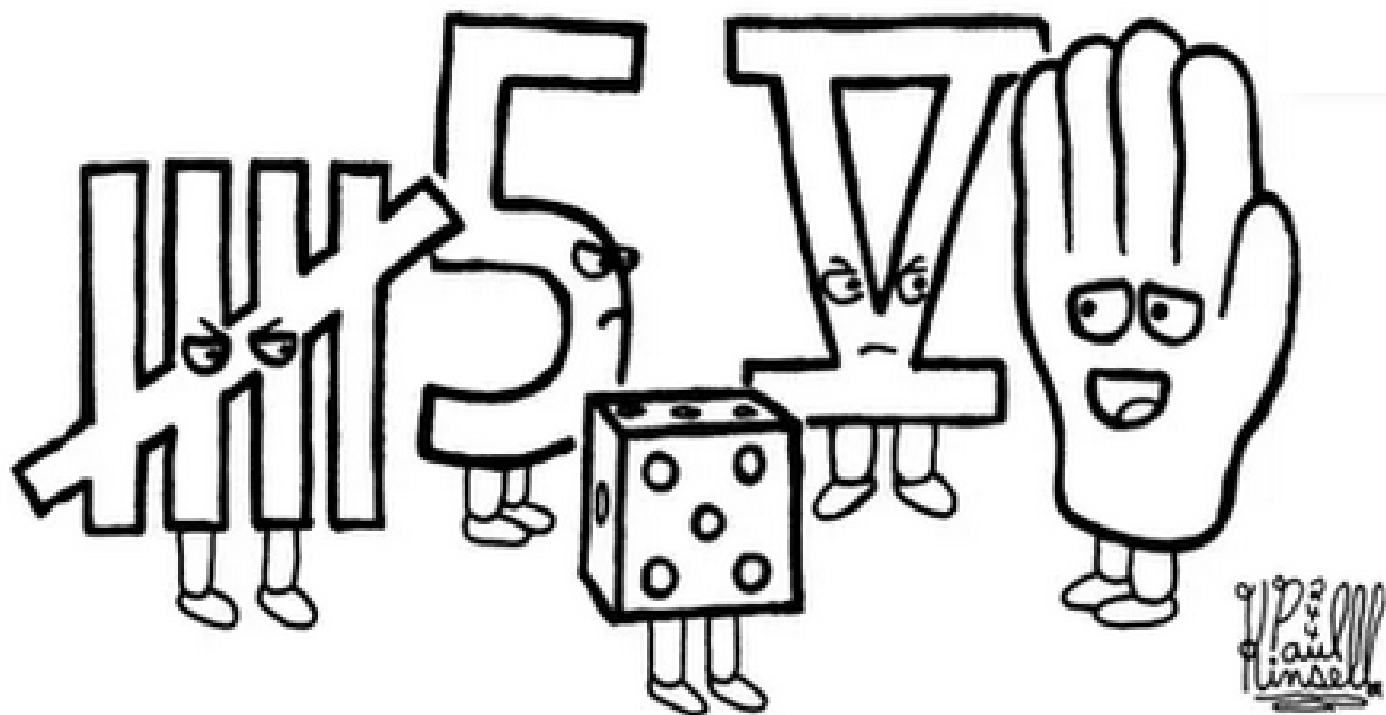


CONFIRM



GRADIENTS OF AGREEMENT





"Hey... lets calm down. I think we are all just trying to say the same thing."



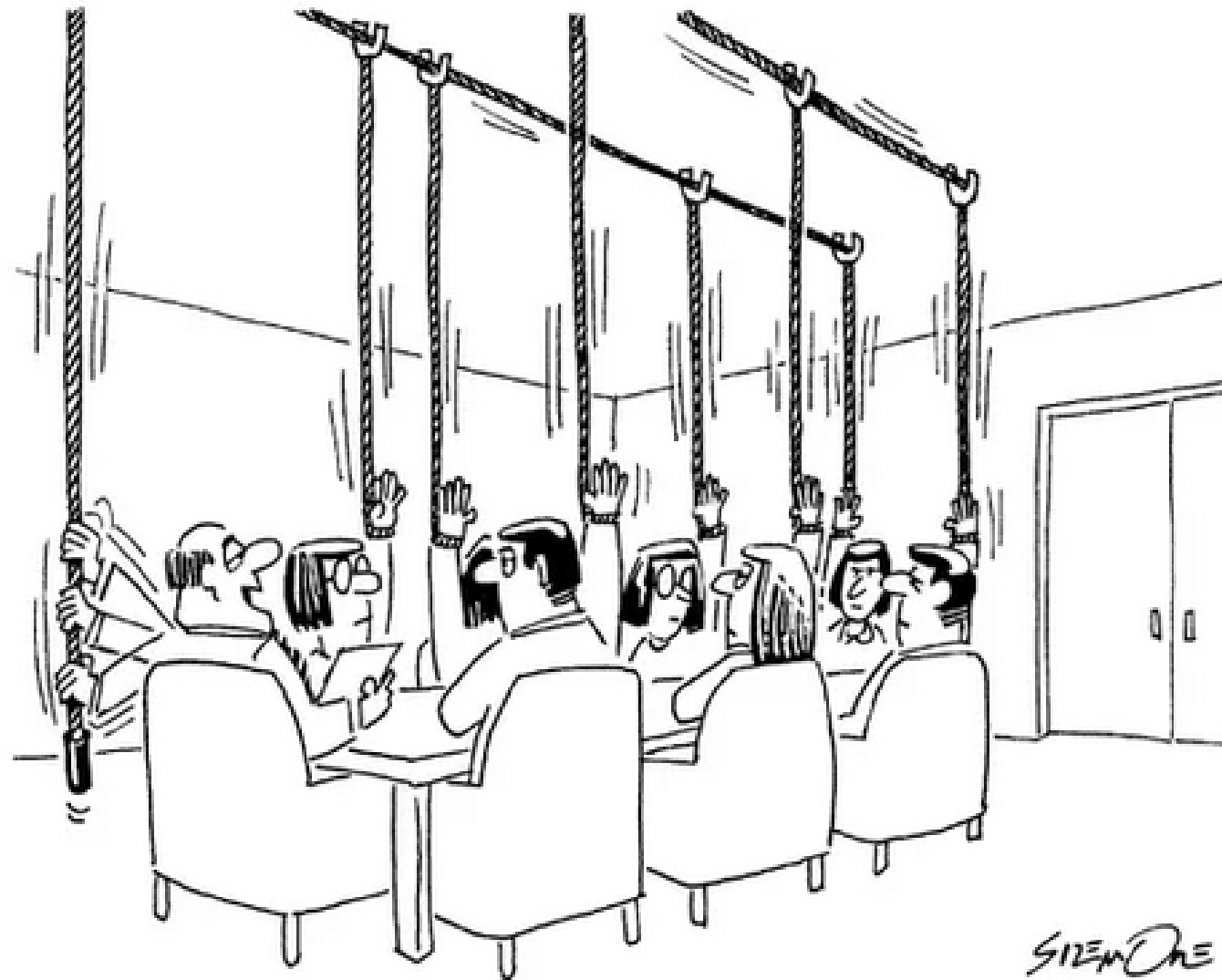
Too Agreeable



Under ancient Jewish law, if a suspect on trial was unanimously found guilty by all judges, then the suspect was acquitted.

This reasoning sounds counterintuitive, but the legislators of the time had noticed that unanimous agreement often indicates the presence of systemic error in the judicial process, even if the exact nature of the error is yet to be discovered. They intuitively reasoned that when something seems too good to be true, most likely a mistake was made.

The Paradox of Unanimity



"Excellent—it's unanimous!"



Well, Maybe Not



- Doesn't Allow Reach the Best Conclusion, Only the Least Controversial
- When Quick Decisions are Necessary
- Leaders need to lead, Doers need to Do

Properties of Democracies



Majoritarian

**Exclusive
Competitive
Adversarial**

Consensus

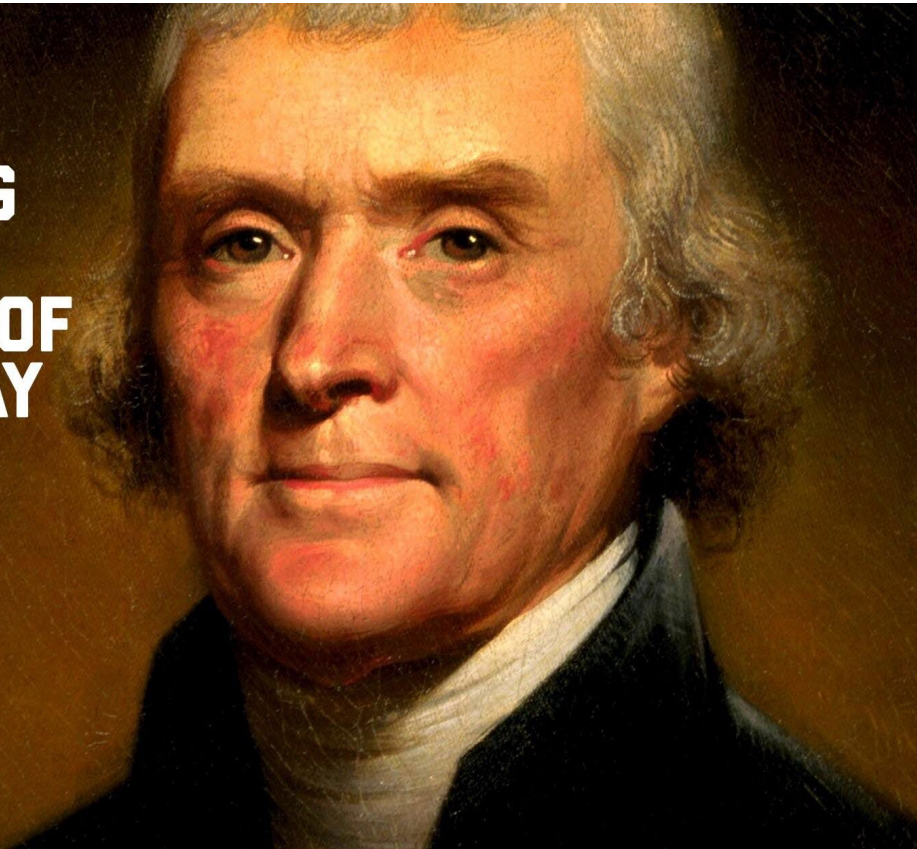
**Inclusiveness
Bargaining
Compromise**

Mob Democracy



**"A DEMOCRACY IS NOTHING
MORE THAN MOB RULE,
WHERE FIFTY-ONE PERCENT OF
THE PEOPLE MAY TAKE AWAY
THE RIGHTS OF THE
OTHER FORTY-NINE."**

- THOMAS JEFFERSON



"If you want something you've never had, you must be willing to do something you've never done." -- Thomas Jefferson



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