



## Why Break Robert's Rules?

Let's imagine that you are someone who is called upon to run a meeting and to help a group make a decision. Maybe you face a situation like one of those described in the introduction. Maybe a community program has run into a problem (these tend to generate high emotions). Maybe your company needs to attack an existing challenge in a new way. Or maybe your church is hoping to launch a new community-outreach program and is having trouble getting the new initiative organized.

Let's imagine further that you have some concerns about this upcoming meeting. Maybe you've never run a meeting and you're worried about getting the procedures right. Or maybe you suspect that there is likely to be a controversy at the meeting, and you want to make sure everyone gets a chance to be heard. Or maybe you just don't want to preside over one of those meetings that turns into an unproductive gabfest—or worse, a rock-throwing session.

How can you avoid such outcomes? You can do this through a process called **consensus building**.

Consensus building is a way for a group or organization to reach a nearly unanimous agreement, and then implement that agreement successfully. Chapter 2 provides an overview of the consensus building

approach (CBA) to getting group agreement. For now, we will simply say that CBA consists of the following five steps, each of which is the subject of one of the subsequent chapters:

- **Convening.** This means agreeing to use a particular decision-making process (CBA), defining the problem, agreeing who needs to be at the table and how to get them there, and completing some of the other preliminaries for a productive dialogue.
- **Assigning roles and responsibilities.** This involves clarifying who will be in charge, specifying the ground rules, defining the role of a facilitator (i.e., either an outside professional or someone from within the group), making sure someone is keeping track of what has been decided, and laying out the rules about how observers may participate.
- **Facilitating group problem solving.** This is about generating mutually advantageous proposals and confronting disagreements in a respectful way. Effective problem solving draws upon the best available information and ensures that a range of possible solutions, including some that no one may have thought of before, are considered in an effort to do everything possible to meet the concerns of all the participants.
- **Reaching agreement.** “Deciding” isn’t as simple as “voting.” It’s about coming as close as possible to meeting the most important interests of everyone concerned, and documenting how and why an agreement was reached.
- **Holding people to their commitments.** This involves more than each person simply doing what they promised. It’s also about keeping the parties in touch with each other so that unexpected problems can be addressed together.

Maybe this strikes you as a daunting list. Maybe you’re not sure that your particular problem needs all this special handling. Our response is, *it may be the only way to go!* We encourage you to suspend judgment and read on.

Consensus building means investing enough in your decision-making process to get the right people to the table, and to get the right ideas *on* the table, in ways that invite productive problem solving. It involves setting up a process that everyone agrees is open and fair. It usually calls for the involvement of some sort of facilitator, and it usually means putting in more time at the beginning of the process than in the later stages. (In previous books, we've called this "going slow to go fast.") But end-to-end, it generally takes no longer and is no more expensive than conventional group decision making. In fact, because ideas have been debated on their merits, and because decisions have been implemented in ways that are generally understood and accepted, CBA usually turns out to be not only faster but less expensive than other approaches.

And, even more important, it tends to get better outcomes, which are far less likely to come unstuck.

Let's get back to that meeting you're supposed to run.

Maybe it's not a full-fledged town meeting, with hundreds of people attempting to chart the future of the community. Rather, just a few people are involved. Whatever you're doing, though, is important enough for you and others to be devoting time and energy to the cause.

Expanding upon our scenario, let's imagine that you look up your organization's bylaws for advice on how to run the meeting. There must be some procedural requirements, right? You dig out the paperwork, open to the first section, and there you find some general material pertaining to the election of officers, the creation of committees, and so on—not very useful for your purposes.

Then you come across the following sentence:

The parliamentary writings of General Henry M. Robert, revised, will govern the Committee's proceedings in all cases not covered by the Bylaws and Articles of Incorporation of the Committee.

What does *that* mean? Who is, or was, General Henry M. Robert? And why are his writings in charge of your meeting? The answers may surprise you.

### **Robert's Rules: the nineteenth-century alternative**

Henry Martyn Robert was born on May 2, 1837—an American of Huguenot descent. He has been described as religious, and “squarely built but gregarious and determined.” In 1867, as a thirty-year-old general in the U.S. Army Corps of Engineers, Robert was sent to San Francisco. That city, in the wake of the Gold Rush and the Civil War, and just two years before the completion of the first transcontinental railroad, was a turbulent, bustling metropolis on the move, full of dreamers and builders—in other words, full of people who sooner or later had to win the support of various groups, and perhaps to run a meeting or two.

The problem was, there was no standard way to run a meeting. Everyone had carried his or her own favorite procedures along with them to the Golden State. General Robert (who didn't much like confusion) decided to fix this problem. He decided to write a set of standard procedures for running meetings.

Robert researched the few precedents that were available. He paid special attention to the procedures followed in the U.S. House of Representatives, even though he knew that a legislative body's rules were likely to be different from the rules needed to govern a nonlegislative group. Then, in 1876, he published a set of rules for nonlegislative bodies, or “societies,” to follow. “In this country,” he wrote, “where customs are so slightly established and the published manuals of parliamentary practice so conflicting, no society should attempt to conduct business without having adopted some work upon the subject.”

For Robert, maintaining order was the number one priority. He provided a uniform approach for conducting meetings in what has been called “a fair, orderly, and expeditious manner.” He devised procedures that aim to “follow the will of the majority, protect the rights of minorities and protect the interests of those who are absent.”

He even paid for the publication himself, evidently as a public service. His publisher called the slim little volume *Robert's Rules of Order*.

General Robert had definitely identified a need. Almost from the start, *Robert's Rules* was extremely popular. And until his death in 1923, nearly fifty years after the publication of his first edition, the general kept revising his little book. In subsequent years, moreover, *Robert's Rules* became something of a family business. Both his daughter and grandson, Henry M. Robert III, were involved in bringing out new editions of the book. By 1970, something like 2.6 million copies of the book had been sold.

If you go on the Web today and search "Robert's Rules," you will find an amazing number of entries. Here's one from California State University at Chico that summarizes the ten "simple rules and customs" at the heart of parliamentary procedure:

1. All members have equal rights, privileges and obligations.
2. Rules must be administered impartially.
3. Full and free discussion of all motions, reports, and other items of business is a right of all members.
4. The simplest and most direct procedure should be used.
5. Logical precedence governs the introduction and disposition of motions.
6. Only one question can be considered at a time.
7. Members may not make a motion or speak in debate until they have risen and been recognized by the chair and thus have obtained the floor.
8. No one may speak more than twice on the same question on the same day without the permission of the full assembly. No one may speak a second time on the same question if any one who has not spoken on that question wishes to do so.
9. Members must not attack or question the motives of other members. Customarily, all remarks are addressed to the presiding officer.
10. In voting, members have the right to know at all times about what motion is before the assembly and what an affirmative or negative vote means.

The list of other entries describing or interpreting parliamentary procedure is long, in part because *Robert's Rules* is now in the public domain, and a number of different publishers are trying to get you to buy their particular version. But it's also because an enormous number of organizations have adopted the *Rules* as their procedural bible.

Not to pick on any particular groups, but what do the Health Ministries Association of Roswell (Georgia), the New Hampshire Developmental Disabilities Council, the North Dakota 4-H Clubs, the Colorado Environmental Health Association, and the Boise State University Faculty have in common? They are all governed by Robert's Rules.

And they're in good company. When lawyers draw up bylaws for new foundations, nonprofits, deliberative assemblies, and other groups, they come to a box that has to be filled in, usually called "parliamentary authority," or "procedure," or something similar. Not knowing what else to put in that box, the lawyer writes "Robert's Rules."

### **What are these rules?**

Henry Robert said that his rules were designed to "assist an assembly to accomplish in the best possible manner the work for which it was designed." To do so, he said, it is "necessary to restrain the individual somewhat, as the right of an individual, in any community, to do what he pleases, is incompatible with the interests of the whole."

Note that reference to "restraining the individual." We'll come back to this idea many times in the course of this book.

Most versions of the *Rules* begin with an "Order of Precedence of Motions," which defines which kind of motion is more important than another, and a "Table of Rules Relating to Motions," which claims to answer three hundred questions about parliamentary practice. This table, printed sideways, looks something like a railroad timetable, with tiny type running up, down, and sideways, and with stars in various boxes indicating what's allowable and what's not. Once you figure out this complicated table, for example, you can confirm at a glance that a motion to amend an amendment can be amended.

Don't laugh! If you're playing by Robert's Rules, you need to know that.

Collectively, these six pages were designed to serve as a crib sheet for a person running a meeting—"an epitome of parliamentary law," Robert asserted. "Everyone expecting to take an active part in meetings of a deliberative assembly should become sufficiently familiar with [them] to be able to refer to them quickly." (For an illustration of Robert's Rules at work in a deliberative assembly, see appendix D: "General Robert goes to Town Meeting.")

After that come two hundred or three hundred pages of explanation, depending on which version of the *Rules* you happen to consult.

The rules are earnest, ponderous, dense, and sometimes confusing. On the other hand, they have been used for a long time, and a great many people are perfectly comfortable with them. They reflect the mentality of an army engineer who was trying to impose order on what he saw as chaos, back in the presidency of Ulysses S. Grant. If you have ever seen a streambed that has been redirected by the Army Corps of Engineers, you will recognize the flavor of the following, which is from the wrap-up to General Robert's own preface to the 1915 edition:

While it is important that an assembly has good rules, it is more important that it not be without some rules to govern its proceedings. It is much more important, for instance, that an assembly has a rule determining the rank of the motion to postpone indefinitely, than that it gives this motion the highest rank of all subsidiary motions except to lay on the table, as in the U.S. Senate; or gives it the lowest rank, as in the U.S. House of Representatives; or gives it equal rank with the previous question, to postpone definitely, and to commit, so that if one is pending none of the others may be moved, as under the old parliamentary law.

Did you follow that? If so, do you think it will help you run your meeting?

To be fair, the general's heart was in the right place. He didn't want the "caprice of the chairman" or the "captiousness of the members" to wreck a meeting. He wanted "order, decency, and regularity" to be the hallmarks of a "dignified public body."

We agree. We just don't think Robert's Rules gets you there.

Meetings run by Robert's Rules are driven by motions and voting. That is, once a quorum (minimum number of participants) is present and someone has asked for and "obtained the floor," that individual begins by introducing a motion (i.e., a question that will have to be voted on by the assembly). Usually, someone else is required to "second the motion," indicating that they, too, think the assembly should consider it. Then, it is placed before the whole body. That's when the debate begins. People are not only expected to speak on behalf of or against each motion, but they can offer amendments if they feel what has been proposed is inadequate. Ultimately, there must be a vote on each proposed amendment, and then, on each motion. Under certain circumstances, votes can be reconsidered. When the business of the group is concluded, the assembly adjourns.

Robert's Rules spell out in enormous detail all the possible questions that might come up and how they should be handled. For example, it enumerates different kinds of motions (i.e., privileged motions, like a request to adjourn; subsidiary motions, like a proposal to limit or extend debate; main motions (the primary business of the assembly); motions that bring a question back to the assembly for reconsideration; and incidental motions, like a point of information; and explains which motion has precedence at various points in time. In fact, most of Robert's Rules are devoted to clarifying the rules governing the consideration of each type of motion. Parliamentary procedure does not speak to what happens *before* the meeting (in terms of ensuring that representatives of all the stakeholding groups are present). It focuses solely on decision making *by majority rule* by those present.

If you are in a meeting with hundreds of strangers, perhaps a formal procedure of this sort is required to maintain order and to keep things moving along. However, if you are sitting with a dozen people in someone's living room or around an office table, it is hard to imagine that embracing this kind of formality will produce the best result.



Moreover, the business of voting on or amending motions, rather than just talking things through informally, can get in the way of effective problem solving.

### What's wrong with playing by Robert's Rules?

Aside from the characteristics listed above—dense, formal, and so on—there are at least four basic problems with using Robert's Rules as the roadmap for your meeting.

The first is that General Robert felt strongly that *majority rule* should be the basic principle of decision making. Remember his notion of “restraining the individual”? Robert focused on creating a happy majority; he wasn't much concerned about the flip side of that coin, which is an unhappy minority. The unhappy minority, presumably, was just supposed to give up and go home.

In Robert's day, unhappy minorities were not nearly as powerful as they are today. Now, people who feel that an out-of-control majority has trampled upon their rights can go to court. They can go to the press and attempt to win in the court of public opinion. Or they can attempt to change the balance of power in the body that has offended them, in other words, turning themselves into the majority.

In all these cases, the result is **instability**. Things don't stick. Decisions come undone.

You may be asking yourself, “But isn't majority rule the basic premise of our democracy? Isn't it the American Way?”

Yes and no. Yes, getting 51 percent of the votes usually gives you the right to call the shots, at least for the time being. But from the start, our democracy has also been about protecting the rights of the minority. And in recent decades, thanks to a historic flood tide of lawyers, an activist judiciary, and an aggressive press corps, minorities have more levers to pull and buttons to push. Simply put, it's gotten more and more difficult to impose things on unhappy minorities.

The second problem with relying on Robert's Rules is that by doing so, your group may not get to a particularly wise decision. Think about

it. There's nothing inherent in parliamentary procedure that steers a group toward practical, efficient, affordable, or broad-gauge solutions. Parliamentary procedure simply provides a way to proceed: a road map for getting from the beginning to the end of the meeting.

It's actually a little worse than that. Let's look at another realm to make this point. The game of chess rewards players who are most familiar with the rules and can apply those rules most creatively. That's fine, because (1) everybody who sits down at a chessboard knows that's what chess is all about, and (2) there's nothing earthshaking at stake in a chess game.

Not so with your meeting. If there weren't something at stake, you wouldn't be holding the meeting. The truth is, you and your group want to get to the best decision you can; you don't want to get to the fourth-best decision by strictly observing General Robert's parliamentary procedures. You want to get all the relevant information on the table, with more or less the right weight being put on each piece of the puzzle. You want a good outcome, not just a definitive result.

Good outcomes don't necessarily emerge from Robert's Rules. Why? There are lots of reasons. Questions can be framed only in certain ways. They can be changed from the way they were originally framed only when specific conditions are met. They can be voted on only one at a time, in a certain order (so possible trade-offs are very hard to consider). They can be reconsidered only under very narrow circumstances, even when new information becomes available, and even when most people in the group want an opportunity to reconsider.

The result of all this is an "all or nothing" situation: a winner-take-all outcome. No matter if there were some very good ideas in the wreckage of the losing position. That position has been vanquished, and those ideas were defeated.

The third and related problem has to do with the legitimacy of the outcome achieved through Robert's Rules. Let's assume that at this meeting you're responsible for chairing, there are three very different courses of action that might be taken. And let's assume in advance of the meeting, a majority of your fellow committee members has al-

ready decided to push one of those three solutions and has no interest in even weighing the merits of the other two. What's to prevent them from coming to the table, going through the motions—which is what the Robert's Rules procedure is about—and then voting for the solution they've already embraced?

The answer is, "nothing." As long as they're scrupulous about amending the amendment to the motion at the right time—and handling similar procedural issues correctly—they can simply show up, vote, and go home.

Again, you may be saying, "Isn't that the American Way? Isn't it all about cutting side deals away from the table, trading votes, logrolling, and so on?" Well, yes and no. Congress, like other legislative bodies, is notoriously prone to these kinds of backroom deals. On the other hand, it's unusual for a serious issue to come up for a vote on Capitol Hill with *no* debate or with no effort on the part of the proponents of a solution to make a case for that solution on the floor of the House or Senate.

Even the most cynical of logrolling politicians understands that decisions by deliberative bodies are more likely to stand up to scrutiny—of whatever kind—if the reasons behind those decisions are fully aired, in a public discussion. Debate and discussion lends legitimacy to a decision and thereby makes the decision more stable.

A final problem with Robert's Rules is that it puts too much power in the hands of the most skilled parliamentarians, that is, the process experts. General Robert wrote his rules in part to avoid what he called the "caprice of the chairman." But the rules he laid out are so dense and impenetrable that they actually encourage manipulation of the process by the few people who understand it. They allow the chairman (or anyone else who becomes an expert) to steer, channel, and limit debate.

"Everyone expecting to take an active part in meetings of a deliberative assembly should become sufficiently familiar with [the rules]," General Robert wrote. Why did he make that recommendation? Because if you don't, you can be pushed around by those who do. The game is rigged, and if you don't understand the rules *you will lose*.

A final note about voting under a majority rule system. It turns out that majority rule does not always get the majority what it wants! When there are at least three options (or candidates) in a runoff, the winner does not actually have to be the favorite of a majority of those voting. No matter which candidate wins, more of the voters might have preferred one of the other candidates. While the analysis behind this counterintuitive conclusion can get fairly complicated (indeed, Professor Kenneth Arrow won a Nobel Prize, in part, for what he called his “impossibility theorem”), this dilemma was realized as far back as the late eighteenth century when Marquis Condorcet, an expert on probability, noted the same thing. By using strategic voting, rather than sincere voting (i.e., voting for the policy or candidate that you know that your favorite will beat), it is possible to subvert the democratic intent of majoritarianism. Whoever gets to narrow the alternatives—most notably down from three to two—in essence decides what will happen.

### **Working in groups**

Why did General Robert write his rules? Because in his experience, working in groups was difficult. We agree. And it’s worth taking a few paragraphs to identify the four most important reasons why working in groups is such a challenge.

First, most people, even those in positions of responsibility, lack a basic understanding of effective approaches to group problem solving. Many people, and especially the kinds of people who are willing to put themselves in the public spotlight as leaders, tend to think that leadership is about asserting one’s opinions, loudly and often.

Assuming that not everyone agrees, the result tends to be several rounds of speeches, at increasing volume and passion levels. People become exasperated. (“Why doesn’t he just realize how right I am?”) Before long, people start doing and saying things that *really* annoy and frustrate each other.

The second and related problem is ego. Nobody likes to lose. Especially for politicians, losing a public struggle becomes a personal defeat, which is to be avoided at all costs. (Politicians who have the smell of defeat around them are easier to defeat in the next election.)

People who have fought for and accumulated power hate to give it up. In many cases, they send mixed messages: they ask for help, and then find themselves unable to accept a solution that they didn't think of themselves. In extreme cases, a person's out-of-control ego prevents him or her from even listening to other people's ideas.

A third problem with working in groups is the winner-take-all thinking that guides many individuals and groups. It's not enough to get (almost) everything you want in a public contest; victory is far sweeter if it is coupled with a clear defeat for the other side. When the Romans finally conquered the pesky city-state of Carthage, they salted the earth so that nothing could ever grow there again. This is a classic case of winner takes all.

And finally, many groups do badly because their members have a misplaced confidence in voting, and in majority rule. We've already covered this point. Just because 51 percent of the group vote a certain way, the other 49 percent aren't likely just to roll over and take it. And the closer the vote, the more inclined the losers will be to attempt to sway a few votes and revisit the issue. At that point, you have a really difficult situation: an unstable "solution" tacked on to a controversial issue. Very few groups are prepared to deal with this kind of challenge.

### **Old groups, new groups**

Our goal is to make this book helpful to you as you set out to create (or fix) a group process, solve a problem that requires group agreement, or run a productive meeting or series of meetings.

In that spirit, we're going to describe CBA in very simple terms and in ways that make our ideas as accessible as possible. There is a large body of literature on the subject, detailing many years of research into, and practical experience with, consensus building. Readers who are

interested in more theoretical approaches, or in approaches that carry through into the later stages of consensus building—for example, helping organizations learn to get better at consensus building—should consult the reading list at the end of this book. At various points, we will compare the consensus building approach with the requirements of Robert's Rules, and you can judge for yourself the merits of each.

In the interest of accessibility, we're going to put in front of you several "real-life" groups of people. Here, we put "real life" in quotes, because these are composite stories, with the real-life players combined and disguised. But they are situations that we have actually lived through, both as participants and consensus builders.

In chapter 2, we'll talk about consensus building in the context of an ongoing group, which is most likely the circumstance in which you find yourself. What do you do when an existing group gets bogged down? For this example, we'll return to the soccer league described in our introduction, which (as it turns out) relies on Robert's Rules.

In chapter 3 and subsequent chapters, we'll talk about CBA in the context of a brand-new group. This is a less common situation, but it gives us a useful way to illustrate the basic methods and mechanics of consensus building from the ground up. We'll use a seemingly non-controversial example: a group of volunteers who have been asked by the mayor of their town to help plan a celebration. We will populate these stories with characters who "stand for" some of the kinds of people you are likely to encounter in your own group decision-making process.

In other words, just as in real life, they'll have strengths and weaknesses that can complicate things. We'll let them speak for themselves, in imaginary (but we think realistic) conversations. By listening in on these short conversations, you'll get a sense of what it's like to use our framework—even when your own cast includes some difficult characters, some of whom may even resist the consensus-building process at various points.

Appendix A provides a short checklist for anyone seeking to promote the adoption of the consensus building approach.

**Key Terms Explained in Chapter 1**

*Robert's Rules of Order*  
General Henry M. Robert  
Parliamentary procedure  
Majority rule  
Motions  
Precedence of motions  
Parliamentarian  
Legitimacy of decision making