

Heads or Tails? How leaving the selection of public offices to chance could revitalise democracy

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By Democratic Audit UK

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*Representative democracy has come under severe criticism lately, with a number of commentators pointing at the way it restrains public participation. In this blog post, **Romance Porrot** seeks to explore the way in which sortition – i.e. drawing lots in politics – is increasingly called upon to reshape the political arena and empower ordinary citizens. She argues that, to be implemented properly, sortition would need to be accompanied by a deep reshaping of the current power structures.*



Many democratic innovations have arisen in the past few years around the use of sortition, in order to counter the alienation of citizens from political processes and the perceived disconnect between ruling and ruled classes under liberal representative democracies. Supporting the idea that democracy is the politics of *everyone* and *anyone*, sortition can be described as the process of appointing political offices or ruling assemblies by drawing lots. It has increasingly been translated into practice in many countries, through a practice referred to as *mini-publics* (such as citizens' juries or assemblies or deliberative polls). Seemingly a win-win game for ordinary citizens but a win-lose game for traditional elites, sortition entails many sides that are worth exploring when considering lot in democracy.

Dismantling power structures

A close look at democratic or republican systems such as those of Athens in 6th century BC or in Florence and Venice in the 14th and 15th centuries conveys the idea that sortition was deemed as the *sine qua non* condition of democracy. In this sense, Aristotle [famously stated](#) that “the appointment of magistrates by lot is thought to be democratic, and the election of them oligarchical”. Yet centuries later, the mainstream application of representative democracy seems to rely precisely on the aristocratic/oligarchic idea of the “government by the best”, selected

through a competitive call during elections. The idea of “democratic [as equal access to public office] selection [as government by the *selected best*]” itself sounds like a contradiction in terms.

More often than not, only those having enough economic, social, or cultural resources are able to compete and seize power in the electoral game. Instead of being all-encompassing, inclusive and representative, the system thus enables those in power not to represent the people but the *status* or the *competence* that justifies their authority over people. Apart from a few exceptions, such as the well-known figures of Evo Morales in Bolivia (who was the first President of Amerindian background) or former Uruguay’s President “Pepe” Mujica (whose initial profession was farmer), our “representatives” mostly depict a population of middle-class white men, with wealthy backgrounds and higher education.

Sortition seems to be a highly relevant device to prevent such elitist hold over democracy. In fact, it has all the potential of a counterweight to socio-political polarization: the idea it promotes is that unpredictability and the occasional promotion of unworthy candidates is still more desirable than the deep social divisions voting produces, as expressed by [Oliver Dowlen](#). Professional careers in politics and subversion of collective public institutions are also rendered impossible by a constant turnover in offices and a neutralisation of procedures, since chance as an equal and indifferent process does not favour anyone.

Because chance is equal and indifferent, sortition acts as an impartial and fair process, as a [blind break](#) that removes any form of bias or human agency. As an arational process, i.e. not based on logical reasoning, sortition both steps away from reason and sets aside subjective rationales that usually tend to flaw democratic processes such as elections. Money-related collusion in the USA, as illustrated by [recent allegations](#) on Hillary Clinton’s campaign as being funded by oil companies, are but one example of how conflicts of interest can distort democracy, especially in countries where big money and campaigning go hand in hand. Sortition is not, however, immune to problems, as nothing prevents citizens from being influenced by groupings or lobbies in their decisions after they have been selected. Impartiality *ex ante* can therefore be undermined *ex post*.

Democracy under sortition: power of the powerless

As an equal process, sortition has also the potential to trigger inclusiveness and better representativeness. It can lead to an all-encompassing system where everybody has a chance to be selected or fairly represented, even those who were formerly excluded from politics. In 2014, the [Student Government Program in Bolivia](#) fostered participation among the majority of disengaged students by selecting them at random to be appointed for Student Government offices. Sortition enables a mirror representation that, in the words of [Anthoula Malkopoulou](#), “reproduces in the political arena the demographic characteristics and the corresponding preferences that exist in society”. Another example is the [2004 British Columbia Citizens’ Assembly](#), whose pool of participants was gender-balanced and respectful of ethnic minorities, including two citizens with Aboriginal backgrounds.

There are however limits to this inclusiveness. First, attempts to artificially reduce the pool of potential candidates – to either select only the most skilled or the like-minded – lead to what Dowlen calls [weighted lotteries](#), i.e. methods of pre-selection that are subject to historical, political and cultural contingency, and as such undermine the whole process of inclusiveness. Therefore, the broader the pool, the better. The question of making participation mandatory – for instance through the implementation of a fine-based system for randomly chosen citizens who fail to attend trials by jury in France – is also crucial.

In fact, legal obligation may well be [justifiable](#) as a means to achieve equal access and to avoid self-selection bias. Evidence for this could be provided by the 2013 Irish Constitutional Convention: by entitling its 66 randomly chosen citizens with the right to [decline participation](#), this Convention left a grey zone around the question whether, for example, voluntary participants were already engaged in politics and had therefore more confidence or skills to take part.

Another limit is that of fragmented inclusiveness: since the probability of being selected can be very low, sortition

might fail to engage citizens universally. This statement, however, could be qualified with two counter arguments. First, we could envisage using sortition solely on a local scale (as illustrated by the examples of Athens or Italian towns), which would greatly increase the chances of all citizens to be chosen, and thus trigger greater interest in the public sphere. Alternatively, citizens that have already been selected once could be progressively be taken out of the pool, in order to ensure participation of all in the long-term.

The potential effects of sortition on public participation are another aspect worth exploring. On the one hand, those in office today tend to design the rules of the game in order to secure their own victory, and control *who* has the right to participate, as well as *what effects* this participation will have. On the other hand however, sortition can be seen as a way to bring citizens back in the political arena, as advocated for by French sociologist [Gil Delannoi](#). It enables a self-transformation of ordinary citizens that shape the political self in a way that electoral participation does not.

Thus, although the 150 randomly chosen participants in the [2009 Australia Citizens' Parliament](#) were not required to commit to any action following the deliberations, several became more engaged citizens. They most notably attempted to materialize some of the proposals voted on within their communities. Many have argued, however, that the low probability of being selected on a large scale could lead to a lack of incentive to remain politically engaged, and so to a potential break-down in collective action. Depoliticisation could thus well be a big challenge to the legitimisation of sortition.

Critiques of sortition: the 'ignorant masses' argument

Another major challenge to sortition is the question of competence, or skills. The idea of ignorant, incompetent ordinary citizens is still deeply rooted in elitist discourses claiming that sortition fails to consider ability or merit in regards to holding public office. But [as French philosopher Jacques Rancière](#) writes:

Drawing lots is the remedy to an evil that is both much more serious and likely than the government of the incompetent: that is, the government of a certain competence, that of skilful men to seize power by pulling strings.

Another criticism supports the idea that running for office in elections is a conscious choice and desire to contribute to government, which is not the case for lotteries. This has proved to be largely unwarranted, in regard to concrete examples such as the 2014 Melbourne's Citizen Panel, which have shown that ordinary citizens are committed and provide very valuable guidance and recommendations (even on technical issues such as asset sales and the privatisation of infrastructures) when given the necessary time and information.

Supported by a deliberative process that encompasses various opinions and experiences, ordinary citizens' experiential knowledge is enhanced by an ongoing learning process, by being *ruling* and *ruled* in close sequence. Besides, it is hardly deniable that there is more knowledge and skills in thousands than just a few. Taking the shape of a thriving political microcosm, a citizens' school of democracy, the use of sortition strongly enhances face-to-face interaction and mutual teaching, and it does not prevent actors claiming they have a special insight in certain issues (such as experts) from introducing their views to constituted panels.

Nevertheless, in the absence of binding effects and strong popular control, sortition can be merely tokenistic, as with the example of the [Icelandic Constitution](#). Following the Pots and Pans Revolution that started in 2009 after the economic meltdown, the Constitution was created thanks to the formidable and innovative ideas – such as the collective ownership of natural resources – of 950 randomly chosen citizens, but was later on sabotaged by dishonest political wheeling and dealing.

These examples show how easily dissolved and recycled in old power structures sortition can be. It is therefore crucial to acknowledge the existence of antagonistic interests that dominate in a class-based society and that still prevail in political choices today. To work in practice, sortition has to be all-encompassing, in the sense that it has to be accompanied by a deep reshaping of the system in which we wish to implement it. If not, sortition would be satisfying in terms of pure philosophy, but highly ignorant of existing power relations. It would lead to the illusion of a

social compromise and to the weakening of political conflict, which is precisely what democracy is not about.

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This post represents the views of the author and not the position of the Democratic Audit blog, or of the LSE. It was written as part of the course “Public Participation in Democracy and Governance”, taught at the University of Edinburgh by Oliver Escobar.

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