The forgotten role of lotteries in democracy

What does it mean to live in a democracy? For those of us raised in the West, the response involves the concept of voting; the claim being that we live in a democracy only if we, the people, come together at regular intervals to determine those who will govern us. Yet if we examine the actual meaning of the word, this association is actually rather surprising, with *demos* translating roughly to 'the common people' and *kratia* to 'power' or 'rule'. A more reasonable definition of democracy would thus entail any system that ensures that we, the people, govern ourselves.

So why is the process of voting seen as indispensable to a functioning democracy? Is it because elections are ideally suited to ensure that the will of the people is fulfilled? If this were the case, one would expect high approval ratings for our representatives and widespread trust in the current system. On the contrary, it seems that a majority of the Western population is suffering from democratic fatigue. In June 2020 for instance, a survey by the European Union's Agency for Fundamental Rights found that 60% of all EU citizens and 73% of those living in poverty agreed or strongly agreed that "mainstream parties and politicians do not care about people like me".[1] And who can blame them? We expect our elected officials to pass policies in our best interests, yet a toxic combination of corporate influence, lobbying and the cost of campaigning ensures that decisions are made at the behest of powerful minorities seeking to enrich only themselves.

It's interesting to note that parliaments composed entirely of elected officials were only introduced in the aftermath of the American and French revolutions, while other means of determining representatives can be traced back over several thousands of years. In his book *Against Elections: the Case for Democracy*, the Belgian author and historian David van Reybrouck argues that ''this focus on elections is actually rather odd. For almost three thousand years people have been experimenting with democracy and only in the last two hundred have they practiced it exclusively by holding elections.''[2]

Athenian democracy, for instance, consisted of three main institutions. The Ekklesia, or assembly, met around 40 times per year and was open to all of the roughly 40,000 adult male citizens. Meanwhile, the Boule consisted of 500 men who each served for a year and met on a daily basis in order to carry out regular government work. Each of its members was chosen not by elections but by means of a lottery, which also applied to the third institution of democracy, the Dikasteria, or common courts. To determine the members of these courts, 500 jurors were picked at random, on a daily basis, from a registry containing all men above the age of 30.[3]

Van Reybrouck examines such historical applications of what he calls *aleatoric democracy*, in which the process of determining representatives was conducted largely by means of a lottery (also known as *sortition*). These include the aforementioned Athenian system from 462-322 b.C., as well as

Venice (1268-1797), Florence (1328-1530) and Aragón (1350-1715). In summary, van Reybrouck writes, ‘‘sortition has been used as a valuable political instrument in several states’’ since antiquity. The overall evaluation of the aleatoric process is extremely positive, the author concluding that ‘’states that used sortition often experienced centuries of political stability, despite great internal differences between rival groups’’. As a result, the employment of lotteries often ‘‘coincided with the peak period of prosperity and culture’’.[4]

It is disturbing to realise that elections, in contrast, may never have been intended to facilitate ‘true’ democracy. At the time of the American and French revolutions, emerging leaders had to appease powerful landowners and aristocrats, who feared losing influence. They also distrusted the broad population, which they considered badly educated and thus incapable of making important decisions for themselves. Instead, it was believed that power should remain in the hands of a distinguished elite and the right to vote as well as the opportunity to run for office thus limited to this minority. In his *Principles of Representative Government*, the French author and political scientist Bernard Manin goes as far as claiming that our political system ‘‘was conceived by its founders as opposed to democracy’’.[5] Van Reybrouck agrees with Manin’s analysis, stating that ‘‘an aristocratic reflex lay at the basis of today’s democracy’’[6] and concluding bluntly: ‘‘the revolutionary leaders in France and the

US had no desire for sortition because they had no desire for democracy’’.[7]

Notwithstanding the intentions at the time of their conception, elections have served us somewhat well in establishing the will of the people and providing governments of reasonable political legitimacy since the 18th century. Though initially intended as a privilege for the moneyed elite, the right to vote has been established for almost the entire population above the age of 18. Yet a series of developments have led to what the British sociologist Colin Crouch calls *post-democracy*. ‘‘While elections certainly exist and can change governments’’, Crouch writes in his book (as also quoted in *Against Elections*), ‘‘public electoral debate is a tightly controlled spectacle, managed by rival teams of professionals expert in the techniques of persuasion, and considering a small range of issues selected by those teams.’’ While the pretense of democracy is maintained and elections take place at regular intervals, he claims, ‘‘behind the spectacle of the electoral game, politics is really shaped in private by the interaction between the elected governments and elites that overwhelmingly represent business interests’’.[8]

Rather than being an unavoidable by-product of true democracy, an increasing number of theorists blame this phenomenon, whereby political representatives have little interest in the needs of their constituents, on the process of voting itself. The influential thinker in democratic theory, Yale Professor of Political Science Hélène Landemore, recently discussed the concepts of deliberative democracy and citizens’ assemblies in an interview with the New York Times’ Ezra Klein.

‘‘Elections’’, she stated, ‘‘rely on human choice, which is inherently discriminatory and biased towards certain traits […] like charisma, eloquence, height, [and] even […] money and distinctions’’. The result, she continued, is that ‘‘elections systematically close off access to power to people who are too shy, too ordinary, too weakwilled, too inarticulate to stand out in the eyes of other citizens’’, while simultaneously favoring ‘‘alpha men and women, charismatic types, slightly narcissistic types […] And what happens when these people make decisions? They will have blind spots, because they will just not consider a certain perspective’’.[9]

If we examine the demographics of elected parliaments, it’s easy to imagine where such blind spots could lie. The median net worth of members of the United States Congress, for instance, is just over $1 Million[10], while only 27% of the 539 seats are held by women.[11] The average is 59 years[12], while 22 % are from ‘racial or ethnic minorities’.[13] This is in stark contrast to the demographics of the general population, with a median net worth of $121.411[14], 51.1% being female[15], an average age of 38.5 years[16] and a share of 42.2 % of non-white citizens.[17] Judging by these numbers, it seems plausible that elections are not ideally suited for choosing officials who represent the demographics of the electorate. And with the make-up of the ruling class diverging so drastically from that of the general population, it follows that the needs and interests of all groups outside the elite aren’t sufficiently respected.

Beyond being discriminatory, an electoral system that favors certain traits may also overlook creative ideas and points of view. ‘‘The basic idea’’, says Landemore, ‘‘is that many minds are better and smarter than fewer minds […] And if you cannot include everyone, then […] you should take a representative sample on the basis of random selection, to minimize the loss of diversity’’. In support of this argument, Landemore cites ‘‘recent results in social sciences that suggest that group intelligence is more […] a function of the group diversity than the individual competence of the members. So you’re better off with one more unit of group diversity than one more unit of individual competence’’.

In order to increase these units of group diversity, Landemore and others argue for processes that function through sortition rather than elections. A good example of the application of lotteries are the so-called *citizens’ assemblies*, also known (in different variations) as minipublics or citizens’ councils. These tend to involve small groups of around 100-200 citizens. Participants are usually drawn from population registries and then asked to answer a selection of questions about their age, gender, ethnicity, level of education, career and the like. By means of these categories, the citizens’ assemblies are picked in such a way that they closely represent the makeup of the broader population. They meet over several weeks, usually during evenings and at weekends. To facilitate participation, travel expenses, lodging and all other costs are covered. Participants are divided into smaller ‘table groups’ of around 5-8 people do discuss a broad range of issues ranging from abortion and same-sex

marriage[18] to climate change policy[19], usually with the help of an experienced moderator. According to the German campaign *mittendrin mit Bürgerräten*, participants gain the knowledge they require from experts and then formulate proposals which are discussed and subsequently voted upon at the end of the Citizens' assemblies.[20] They are then presented to parliament or MPs, usually in the form of non-binding recommendations. A prominent example of such a citizens' assembly was devised in France in 2019. In the wake of the yellow vest protests of 2018, President Macron invited a representative sample of 150 citizens to take part in the Citizens' Climate Convention. They were asked to debate climate change policies and make recommendations for action. The Convention initially met for seven three-day weekends, with experts presenting to its members information on topics such as climate, agriculture, trade, regulation and finance.[21] As a result of their deliberations, 149 proposals were ultimately unveiled to the public in June 2020. These included a 40% reduction of CO_2 emissions by 2030, a reduction of the speed limit on motorways and the definition of "ecocide" as a crime under French criminal law.[22] Though many of the recommendations have been watered down or rejected entirely, the Convention nevertheless provided a blueprint for the type of consensus that can be formed among a randomly selected group of individuals from all walks of society when they are provided a platform for nuanced discussion.

Such citizens' assemblies seem to offer the opportunity to reignite a sense of true democracy. To David van Reybrouck, though, we will need to go much further in order to save ourselves from the dangers of democratic fatigue. The historian outlines a path towards aleatoric democracy that goes far beyond the mere formation of randomly selected advisory conventions and is reminiscent of historical role models such as the Athenian system. He cites ideas from authors such as Ernest Callenbach and Michael Phillips, who in 1985 proposed replacing the US House of Representatives with a Representative House chosen by sortition,[23] as well as Anthony Barnett and Peter Carty, who in turn suggested a new House of Peers, chosen in large part by lot, as a substitute for the British House of Lords. Additionally, he presents a complicated model of "multi-body-sortition" developed by the American politician Terrill Bouricius. Under such a system, a 150-400 member *agenda council*, chosen at random from volunteers, would ''choose topics for legislation'', while *interest panels*, each consisting of 12 citizens, could be utilized by lobbies and all other interest groups to forward their policy ideas. The strength of the model is that a so-called *policy jury* must ultimately vote on all proposed legislation. This would consist of around 400 people who are ''chosen by lot from among all adult citizens''. Attendance of policy juries would be renumerated and compulsory, much like jury duty.[24]

The manner in which a system of lots should be introduced is ultimately left open. Van Reybrouck proposes an initial combination of sortition and elections as the most realistic option. Such a ‘‘bi-representative system’’, he writes,

> ‘‘is at this point the best remedy for the Democratic Fatigue Syndrome from which so many countries are suffering. Mutual distrust between rulers and ruled will be reduced if their roles are no longer so clearly separated. Citizens who gain access to the governmental level through the drawing of lots will discover the complexity of political dealings, a marvelous training in democracy. Politicians in turn will discover an aspect of the civilian population that they generally underestimate, a capacity for rational, constructive decision-making. They will discover that some laws are accepted more quickly if ordinary people are involved from the beginning, more support making decisive action possible. In short, the bi-representative model is relational therapy for the rulers and ruled.’’[25]

Applications of the bi-representative model could involve the replacement of one body of elected government with a House or Senate, whose members are determined at regular intervals by sortition. This would be in line with suggestions for the British House of Lords or the US House of Representatives as described above. There are numerous propositions, with some allowing for the randomly selected body itself to write legislation, while others argue that parliaments selected by sortition should vote only upon ‘finished’ laws before they are passed. Such details should doubtless be the subject of extensive debate and decided upon by the citizens choosing to employ the aleatoric method. The basic principle of sortition, however, should be reestablished as a key pillar in any political system that wishes to call itself a democracy.

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