Lottocracy as Democracy

Political Equality, Representation and Public Control without Elections?

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Contents

Preface **v**

Glossary **vii**

1 Introduction **1**

2 Sortition as a Political Instrument **9**
2.1 Lottocracy 9
2.2 The promise of sortition 25

3 What is Democracy? **39**
3.1 Democracy as self-government 39
3.2 Political Equality 43
3.3 Political Representation 47
3.4 Political Accountability 57
3.5 Effective Participation 60

4 Lottocracy and equality **65**
4.1 The expressive dimension of equality 65
4.2 The acceptability dimension of equality 74
4.3 The epistemic dimension of equality 87

5 Lottocracy and representation **97**
5.1 (S)electing political representatives 97
5.2 A trade-off: obligation or stratification 107
5.3 A (moral) duty to take political offices 114

6 Lottocracy and accountability **127**
6.1 Accountability as sanctions 127
6.2 Accountability as selection 136
6.3 Accountability as justification 140

7 Lottocracy and participation **149**
7.1 The participation deficit of lottocracy 149
7.2 Elections of topics 158
7.3 Elections again? 171

8 Conclusion: Is Lottocracy Democracy? **179**

Bibliography **187**

Anhang **205**
1.1 Kurzfassung der Ergebnisse (Deutsch) 205
1.2 Kurzfassung der Ergebnisse (Englisch) 210
1.3 Veröffentlichungen 214

Eidesstattliche Erklärung **215**

Preface

I started working on this project in 2017, after stumbling across an article about the Irish Citizens' Assembly on the legalisation of abortion. I was intrigued by the idea that involving randomly selected citizens in political decisions can help break down political gridlock, make people less radical in their views, and bring people into contact with fellow citizens they would otherwise never be in touch with. Since then, the use of and research into mini-publics and citizens' assemblies has accelerated faster than I could write. As I wrote this thesis, I struggled between excitement, because my research was so timely and relevant, and frustration, because whatever I was thinking about was already being discussed by someone else somewhere.

Writing this thesis has taught me a lot. It taught me self-discipline and curiosity, it taught me to fail with ideas, to admit weakness and to accept compromise. It taught me great respect for good philosophical work, for many well-written and very intelligent books and articles that I read during that time. Above all, it taught me a lot about democracy, politics and people. It is easy to rant about politics, to criticise politicians and to be dissatisfied with the electoral choices of your fellow citizens. But it is actually difficult to propose a better system. Collective decision-making is a complex endeavour. It is technically complex, but above all it is a social challenge to accept and integrate millions of different opinions.

I would like to thank my dear friends Fenja, Karo, Yasmin, Myriam, Oina and Samira, who have been with me for so long and who have always had an open ear for my joy, my enthusiasm and my doubts. I could not have done it without you. Thank you, Juliane, Arna, Jasmin and Dorela, for being so much more than colleagues. For listening to my frustrations, my doubts and my excitement, and for encouraging me that what I was doing was interesting and valuable. And thank you to my dear friends Antonia, Benjamin, Jan-Nick and Jakob. You have played the philosophical game with me from the very beginning. Without you I would never have started this project.

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I presented parts of this thesis at the ECPR workshop "Democratic Theory in Uncertain Times" in Toulouse, at the workshop "Against Democracy" in Mainz, at the "Workshop for Political Philosophy" in Flensburg, at the "2nd Graduate Conference in Political Philosophy" in Amsterdam, at the Center for Deliberative Democracy in Stanford and on several occasions at the University of Hamburg. The feedback I received on these different occasions and from all the different participants was of great value to me. Special thanks also go to Annabelle Lever, who took an interest in my work from the moment we met and who inspired me to take a new interest in some additional aspects.

I am glad I wrote this thesis. I have learnt a lot. Some of the things I wrote I wouldn't write the same way now. I have evolved in my writing and changed my mind about some things. But if you start changing your original assumptions at the end of a dissertation, you'll probably never finish it. Thank you, Christine, for supporting me in this.

Now, I am happy to move on: to live and practise democracy. Democracy is not a theoretical system. Democracy must be lived. It must be designed to fit our social realities. We must ensure that our education system produces *democratic* citizens, who understand and share the values of democracy. And we have to accept and practise that democracy requires us to listen to everyone. Not just to those who share our views or speak the loudest. It is an immeasurable gift to live in a democracy. And we must not take it for granted. We need to bring democracy to life, to engage with our fellow citizens, and to protect and improve the system wherever it is needed. I hope that my work can make a small contribution to this important project. It has made me appreciate democracy even more.

Glossary

As with most fields that have developed over centuries, if not millennia, the terminology of political philosophy and democratic theory is not as standardised as one might wish. Several authors refer to the same concept by different terms, or use the same term but actually refer to different concepts. Moreover, some of the concepts I refer to in this thesis will be used in a comparably narrow manner with reference to the particularities of sortition as a political instrument.

In this glossary, I collect the definitions that I introduce and use throughout the thesis. I will not explain or justify these definitions further here. In the relevant chapters, I explain my use of these terms and the underlying concepts in more detail. At this point, this glossary is not intended to serve as an introduction or justification for the use of these various concepts. It is merely a collection of the definitions that I introduce during the analysis of lottocracy in terms of democratic requirements, for the sake of overview and readability, to be referred to whenever necessary for the reader. You can read through these definitions now, but this overview will probably be more useful as a reference point to refresh my use of certain concepts.

Accountability *common interpretation*[1]

A is *accountable* to B if two conditions are met:

(i) A is obliged to act in some way on behalf of B

(ii) B is empowered by some formal institutional or perhaps informal rules to sanction or reward A for her activities or performance in this capacity. (Fearon, 1999, 55) [See page 58.]

[1]The issue of political accountability is discussed at length in Chapter 6 where I analyse many aspects and relevant considerations of accountability. The following is one possible definition which I use as a generally accepted starting point. I will elaborate on the problems of this definition in the course of this thesis, but it is a helpful starting point to discuss the issue because it is intuitive and close to normal language.

Capture A political agent A is captured if he or she uses his or her position to advance the interests of the powerful, rather than to create policy that is responsive or good (when doing so would conflict with the interests of the powerful). (Guerrero, 2014, 142) [See page 26.]

Good Governance Political outcomes are *good* to the extent that they are tied to some *objective* point of view that is not tied to the views and values of the people living in the political jurisdiction. *Goodness* may be a function of the *actual* interests of the people living in the jurisdiction rather than their personal interests *as they perceive them*; it may be related to average individual welfare or the welfare of the worst off; it may be related to levels of individual autonomy or to some objective ideal of justice. Whatever the concrete requirement, an outcome is *good* to the extent that it is consistent with the required *objective* ideal. (Adapted from Guerrero, 2014, 137, my italics.) [See page 26.]

Impact Someone's impact in politics is the difference he can make, just on his own, by voting for or choosing one decision rather than another. (Dworkin, 1987, 9) [See page 76.]

Influence Someone's influence is the difference he can make not just on his own but also by leading or introducing others to believe or vote or choose as he does. (Dworkin, 1987, 9) [See page 76.]

Interests are what objectively advances a person's well-being. [See page 51.]

Preferences are the subjectively held and expressed attitudes of one individual with regard to a certain topic. [See page 51.]

Sortition The practice of assigning public duties, for example political offices, to individuals *randomly*. [See page 10.]

Representation

Gyroscopic Representation Representatives act like gyroscopes, rotating on their own axes, maintaining a certain direction, pursuing certain built-in (although not fully immutable) goals. (...) These representatives are not accountable to their electors in the traditional sense. In this case, the representatives act only for 'internal' reasons. Their accountability is only to their own beliefs and principles. (Mansbridge, 2003, 520) [See page 101.]

Indicative Representation Political representatives act as *indicators* of rational political decisions: "The fact that my proxy is of a certain mind offers reason for expecting that I will be of the same mind; that is what it means for her to serve as an indicator rather than a tracker." (Pettit, 2010, 427) [See page 103.]

Political Representation ideally means promoting the objective interests of citizens in such a way that they feel represented and, ideally, adjust their subjective preferences accordingly. Good political representation should respond to citizens' *informed* preferences, but should not act against their expressed will. [See page 55.]

Responsive Representation Political representatives act according to constituents expressed preferences: "In responsive representation, the fact that I am of a certain mind offers reason for expecting that my deputy will be of the same mind; after all, she will track what I think at the appropriate level." (Pettit, 2010, 427) [See page 103.]

Responsiveness

Responsiveness Political outcomes are *responsive* to the extent that they are tied to what the people living in the political jurisdiction actually believe, prefer, or value, so that if those beliefs, preferences, or values were different, the political outcomes would also be different, would be different in a similar direction, and would be different because the beliefs, preferences, and values were different. (Guerrero, 2014, 136, my italics.) [See page 26.]

Responsiveness to Informed Preferences A policy decision is *responsive to informed preferences* if it reflects citizens' *informed preferences,* which requires that a) citizens' *subjective* preferences are considered, and b) these preferences are considered in a process that allows citizens to revise them in the light of other people's preferences and scientific expertise. [See page 88.]

Interest Responsiveness Policies that promote the objective well-being of citizens, i.e. make them objectively better off, are *interest responsive.* [See page 54.]

Preference Responsiveness Policies that are in line with citizens' expressed preferences, i.e. that respond to formally or informally expressed opinions and attitudes, are *preference responsive.* Preference responsiveness results from a mere aggregation of preferences. It requires no process of deliberation or opinion exchange. [See page 54.]

Chapter 1

Introduction

> *Imagine having to develop a system today that would express the will of the people. Would it really be a good idea to have them all queue up at polling stations every four or five years with a bit of card in their hands and go into a dark booth to put a mark, not next to ideas but next to names on a list, names of people about whom restless reporting had been going on for months in a commercial environment that profits from restlessness? Would we still have the nerve to call what is in fact a bizarre, archaic ritual 'a festival of democracy'? (Van Reybrouck, 2018, 55)*

Democracy is in a crisis. This is one of the credos of the 21st century that we hear from all sides – from journalists, from elected politicians, from political scientists, and from philosophers (Papada et al., 2023; Wolkenstein, 2023). But what does it mean to say that democracy is in crisis? Are we questioning the value of democracy? Do we no longer believe in the ideal of democratic self-government? Do people prefer to be governed by someone else than to govern themselves? Or do we need a *new form* of democracy? In the following I will ask: is *lottocracy* the better form of democracy?

The fundamental ideal of democracy is that of self-government. Through elections, it is argued, all citizens have, among other things, an equal and real influence on the composition of parliament, they can influence the issues that parliament deals with, and they can replace their representatives if they act against their interests. Through this influence on parliament, they shape the way they are governed. Through elections, it is assumed, a people governs itself. However, as the quote above suggests, it seems reasonable to question whether electing politicians or parties every four to six years is really an adequate way to realise this ideal of self-government (Van Reybrouck, 2018).

The idea of elections and representative government as practised today originated in the 18th century (Manin, 1997; Van Reybrouck, 2018). At that time, elections were the epitome of political equality and self-determination. They were an emancipatory achievement fought for over decades, if not centuries. But perhaps it is time to ask whether they are still the epitome of political equality and self-determination. Little of what we do today is based on 18th century practices. We cook differently, we build our houses differently, we educate differently, we communicate differently, we generate our energy differently, we live differently. Why should the way we elect our government be the same as it was 250 years ago? Why shouldn't the way we govern ourselves change, as the circumstances in which we live change?

It is widely agreed among democratic theorists and empirical researchers of existing electoral systems that elections alone are not sufficient to constitute democracy (Cohen, 1996; Dahl, 1998; Boese et al., 2022; Papada et al., 2023). But are elections necessary for representative democracy? In what follows, I will assess the democratic potential of an alternative political system *without* elections. To do so, I will assume that a political system that realises the ideal of self-government can be considered *democratic,* even if it realises this ideal *without* elections.

In recent decades, many theorists from different disciplines have questioned not the value of democracy, but whether *elections* are the appropriate means to realise the idea of democratic self-government. As a remedy to the crisis of democracy, they discuss the involvement of *randomly selected citizens* in political decision-making. They point out that, historically, lottery selection played a central role in democracy and was considered *democratic,* whereas elections were considered *aristocratic* (Aristotle, 1885; Van Reybrouck, 2018).[1] They emphasise that, empirically, the involvement of randomly selected citizens in so-called citizens' assemblies or mini-publics has shown very positive results (OECD, 2020; Reuchamps et al., 2023). And, systematically, they argue that elections are not adequate to realise the basic democratic values of political equality, accountability and responsive government (Gastil and Wright, 2019b; Guerrero, 2014).

[1] In this context, proponents of lottery-selection emphasise that the upper burgeoisie who led the revolutions were particularly concerned with selection mechanisms that gave access to power to a selected elite, not everyone (Van Reybrouck, 2018, 80). On the other hand, defenders of elections insist that the use of elections is not as aristocratic as is sometimes implied by proponents of lottery selection (Lafont and Urbinati, nd). I will not discuss the historical arguments for sortition any further below, and will skip reconstructing the arguments for both sides here. For an interesting historical overview of the shift from random selection to elections, see Buchstein (2009), Van Reybrouck (2018) and Sintomer (2023).

The practice of randomly assigning public offices to individual citizens is called *sortition* (Stone, 2011). Proponents of sortition argue that many of the shortcomings of contemporary democracies do not stem from the democratic ideal that the citizens of a state should govern themselves. Rather, they argue that the way in which political leaders are chosen is not conducive to realising this democratic idea. They emphasise that the involvement of randomly selected citizens in the policy-making process will increase the responsiveness of policies to the needs of the citizens. At the theoretical level, systems with varying degrees of sortition have been proposed, ranging from so-called citizens' assemblies or mini-publics with advisory functions, to bicameral systems with one randomly selected chamber (Abizadeh, 2021; Gastil and Wright, 2019b), to full-fledged lottery-based systems *without* elected politicians as we know them today (Guerrero, 2014; Landemore, 2020).

In practice, many experiments with randomly selected citizens' assemblies have shown empirically good results (OECD, 2020; Fishkin, 2018; Reuchamps et al., 2023). Randomly selected citizens have been shown to be able to understand complex policy issues, to hold less radical opinions after deliberating with some random fellow citizens, and to support progressive policy decisions after participating in intensive deliberation with experts and their fellow citizens. However, many of the recommendations of such citizens' assemblies have not been implemented. They were rejected in public referenda, for example, or often ignored or vetoed by elected politicians. Without further approval by elected politicians, the decisions of randomly selected citizens' assemblies in today's electoral democracies lack legitimacy. There is simply no constitutional mechanism that gives a randomly selected assembly a decisive say.[2] The combination of randomly selected assemblies with democratically legitimised, elected parliaments has so far been the gold standard for legitimising the decisions of a citizens' assembly. If an elected body commissions a randomly selected assembly to deliberate on a particular policy issue and, after that deliberation, decides whether or not to implement the recommended policy, then the actual decision-making takes place in that elected body and requires no further justification beyond the widely accepted legitimacy of elected politicians.[3] If the public does not approve of a decision based on the recommendations of a citizens' assembly, it can hold elected politicians to account.

[2]Only a small number of countries have begun to create permanent, empowered mini-publics, mainly at the regional level (Niessen and Reuchamps, 2019).

[3]This legitimacy is, of course, itself subject to debate (see i.a. Huemer, 2013). However, a discussion of the arguments for and against the legitimacy of elected governments is beyond the scope of this thesis. I follow the standard justifications of democracy and assume that well-organised democracy creates legitimate political authority (Estlund, 2008).

However, the combination of citizens' assemblies and elected politicians does not fully exploit the potential advantages of randomly selected assemblies, especially if citizens' assemblies actually perform as well as their proponents claim. In particular, the combination of elected and randomly selected bodies undermines a key virtue associated with citizens' assemblies: their claimed *independence* from party politics and the influence of lobbyists on policy (see Chapter 2). By making the recommendations of citizens' assemblies subject to the approval of *elected* politicians, the shortcomings of electing politicians are perpetuated. In order to be a remedy for the crisis of democracy, at least insofar as it results from the practice of *electing* representatives, the decisions of randomly selected citizens need more influence. The aim of this thesis is therefore to assess the *democratic legitimacy* of randomly selected citizens' assemblies, independent of additional approval by elected politicians. To do so, I focus on Alexander Guerrero's (2014; 2020; 2021a; 2021b) utopian proposal of *lottocracy*.

In Guerrero's vision of lottocracy, parliament would be replaced by a series of single-issue legislatures, each of which would be made up of 300 randomly selected citizens. These people would become full-time, paid politicians for the duration of their term. Each year, 100 of the 300 people would be replaced by newly elected citizens, ensuring a permanent process. The salary for these positions would be high, and the civic culture would be such that the majority of people would accept these positions. The system of *lottocracy* raises many questions and concerns. I discuss some of them in Chapter 2, where I introduce the system in more detail. However, the main question I will address is *whether and under what institutional design* randomly selected citizens can make decisions that are *legitimately binding* on the general public, even though the members of these citizens' assemblies were not elected and thus do not meet the standard justifications for *electoral democracy*.

Placing the proposal for *lottocracy* at the centre of the discussion of adequate alternatives to electoral democracy does not mean that it is fully convincing. In particular, much more detail is needed on the practicalities of such a proposal, and many of the proposed details need more justification. For example, it is unclear why a SILL should consist of 300 members, how exactly government and executive power would be elected in such a system, and how advisory experts and bureaucratic personnel would be selected and controlled.[4] However, Guerrero provides a systematic argument *against* elections and a very elaborate counter-proposal. His work thus provides a

[4]Guerrero is due to publish a full book on the lottocracy proposal in the coming months, in which he is likely to address many of these concerns. This thesis was completed before the publication of the book, so I can only refer here to the rather vague justification of the lottocracy proposal as suggested in Guerrero (2014).

very accessible basis for a thorough assessment of the democratic potential of the idea of replacing elections altogether.

Given the term *lottocracy* and its linguistic similarity to *democracy* and *autocracy*, it might seem at first glance that lottocracy is intended to *replace* democracy. However, I argue that this is not the case. Instead, I examine whether lottocracy or other sortition-based systems should not be considered *democratic* alternatives to *election-based* democracy. So the question of this thesis is whether lottocracy is a form of democracy. In other words, I analyse whether a system *without elections* with *only randomly selected political representatives* can be considered *democratic.* The motivation for this assessment is twofold. First, given the fundamental doubts about the feasibility of elections to meet basic democratic requirements, I want to assess whether another system could meet these aspired mechanisms. Second, based on a more empirical starting point, I hope to provide insights that will help us assess the legitimacy of randomly selected citizens' assemblies independent of elected politicians.

Chapter 2 introduces the proposal of lottocracy and the main arguments in favour of sortition. In order to assess the democratic potential of lottocracy, in Chapter 3 I provide a list of requirements that a political system must meet in order to be considered *democratic*. The aim of this work is to examine a *democratic* alternative to elections, not to propose an alternative that *replaces* democracy. Therefore, I begin by defining democracy as self-government and establish some necessary criteria that a political system must meet in order to be considered democratic. I discuss political equality, legitimate representation, effective accountability and public participation as elements that must be met in order for a people to govern themselves and effectively control their government. Perhaps lottocracy could be *not* democratic and yet be more attractive than democracy. But I will not explore this possibility here. The assumption will be that a desirable political system is a democratic one. Therefore, I will focus on the necessary elements of democracy in order to discuss the attractiveness of lottocracy. Chapter 3 provides the rationale for these necessary elements.

These defining elements of democracy *beyond elections* will provide the blueprint against which the democratic potential of randomly selected citizens' assemblies will be assessed. In Chapter 4 I begin by discussing the egalitarian quality of lottocracy. I analyse lottocracy in terms of three different aspects of political equality. First, I show that lottocracy is highly egalitarian in the *expressive* sense, because giving everyone an equal chance of actually holding political office expresses the moral equality of every citizen in an exceptional way. Second, I consider the *acceptability* aspect resulting from political equality. Majority decisions are usually considered acceptable even

to those who are outvoted, simply as a matter of fairness to the majority of citizens. I discuss the extent to which lottocracy can produce decisions that are acceptable from such a procedural point of view. I point out that lottocracy is based on the ideal of giving all citizens equal influence on policy making. This is particularly desirable because most electoral democracies distribute actual influence very unequally. They systematically exclude large groups of society from access to political office and the close networks of elected politicians, and few people who are not elected politicians have significantly more influence on policy making than average citizens because they know the right people or sponsor political parties. I show that lottocracy is much more egalitarian in this respect. However, lottocracy is highly problematic from a fairness perspective because it effectively denies actual participation to the majority of citizens. This exclusion of too many opinions calls into question the *acceptability* of the lottocratic decisions. Those who are not selected are left without any binding influence. I return to this problem in more detail in Chapter 7. Third, I discuss the *epistemic* advantage of political equality. The equal participation of all is supposed to improve the quality of decisions, both in terms of substantive quality and in terms of the alignment of decisions with the actual interests of citizens. In this respect, too, lottocracy is both problematic and promising. It is problematic because it involves far fewer people and disenfranchises many citizens. However, it is well placed to respond to the real interests of citizens because the members of the lottocratic assembly are likely to be more diverse and representative than the members of parliament. The egalitarian quality of lottocracy turns out to be mixed.

Although lottocracy abolishes elections, it remains a *representative* political system, not a *direct* democracy. In an electoral system, voters give their representatives a *mandate* to act on their behalf. Either they explicitly ask their representatives to pursue a particular policy, or they trust those representatives to represent their interests. Lottocracy, on the other hand, operates under a different mode of representation: *descriptive* and *indicative* representation. In Chapter 5 I distinguish between these different modes of representation. I argue that representation in election-based democracy is mainly based on receiving mandates and anticipating voters' opinions. Representation in lottocracy, on the other hand, is based on a *descriptive* sample of society that knows 'from within' which policies advance the interests of those represented. In this context, I discuss why –in order to generate the representative and epistemic promises of lottocracy– it is important that as many people as possible take office after being selected. I argue that the practice of stratified random selection, as it is currently used to select mini-publics, can only partially deliver on these promises. However, the abolition of stratified

random selection would only be advisable if the assumption of lottocratic office were *mandatory.* I conclude the chapter on representation by discussing three potential arguments for the related claim that political office should be compulsory in lottocracies. However, none of them is sufficient to justify a legal obligation to participate in lottocracy, which turns out to be a problem for the legitimacy of lottocratic representation.

In Chapters 6 and 7 I turn to a third necessary requirement of democratic systems, namely that they provide all citizens with control over government. It is generally assumed that such public control requires accountability between representatives and those represented, and participation by those who are governed. In Chapter 6 I discuss the common criticism of lottocracy that all those who are not selected lack mechanisms to hold those who are selected *accountable* for their decisions and behaviour. It is often argued that 'political accountability' requires that an agent is obliged to act on behalf of a principal *and* that the principal has mechanisms to sanction or reward that behaviour retrospectively. I argue that lottocracy does not, and should not, have mechanisms for retrospective sanction because this undermines the epistemic promise of lottocracy. The randomly selected are supposed to make informed decisions, not decisions they think the uninformed public will approve of. However, the absence of retrospective control does not necessarily mean that the randomly selected will act against the interests of those they represent. I argue that another aspect of political accountability that is often neglected is the *prospective* influence on an agent to act in a particular way. Accountability mechanisms are supposed to ensure that representatives act *on behalf* of the represented. In lottocracy, the similarity between the represented and the selected is assumed to guarantee such substantive representation. I argue that the selection mechanism used in lottocracy is a form of prospective selection of the right representatives, which makes retrospective control less important than in the case of elections. Finally, I discuss the literal meaning of accountability, namely that of 'giving an account of one's behaviour', and argue that lottocracy is promising in this respect.

In Chapter 7 I discuss a second aspect of public control, namely the effective participation of all citizens. Here I draw together the analyses of the previous chapters and return to the initial question of whether and under what institutional conditions lottocracy can be considered a desirable form of democracy. I show that lottocracy, as it is currently proposed, has some serious shortcomings in terms of effective participation: it lacks mechanisms for equal participation and prospective influence on the political system. While retrospective control may be less important under lottery-based representation, democratic control also requires the prospective influence of all citizens on the political system. I use Dahl's (1998) concepts of effective participation

and control of the political agenda to support this claim. And in terms of such *prospective* influence, lottocracy lacks essential democratic mechanisms of equal participation and agenda-setting power for those citizens who were not selected. Lottocracy disenfranchises anyone who has not been randomly selected as an active participant in political decision-making.

This does not necessarily mean that the project of establishing lottocracy as democracy will fail. But it shows that a lottocratic *democracy* needs an additional institutional mechanism to realise equal and effective participation and active agenda-setting power for all citizens. To overcome this shortcoming, I propose one way to realise this prerequisite: to give people the right to *vote for topics* rather than for politicians. I discuss one possible design of such a participatory agenda-setting process and point out a number of practical problems with this proposal, ranging from technical issues to more substantive problems of social choice theory. In particular, I show that any mechanism of participatory agenda setting reintroduces problems of media influence, manipulation, and voter ignorance into the lottocratic system.

However, whether or not lottocracy can indeed be seen as a *democratic* alternative to election-based democracy depends on whether Guerrero's original proposal can be adapted to allow effective participation and control over the political agenda for *all* citizens, rather than just the few who have been randomly selected. Changing the way in which political representatives are chosen seems compatible with democratic ideals of equality and representation. But disenfranchising a large part of society from any form of participation and meaningful influence on their government contradicts democratic ideals of public control. Finally, Chapter 8 summarises the foregoing analysis and concludes with some prospects for future research, emphasising the particular promise of sortition-based political systems.

Chapter 2

Sortition as a Political Instrument

Abstract

The practice of randomly selecting citizens for public office is known as *sortition.* In ancient Athenian democracy, it was a central element of the political system and public life, both for filling offices that required no special experience or training, and for selecting juries. Today, representative democracy is almost inseparably linked to the use of elections for the filling of political offices. In recent decades, the debate about sortition as an element of democracy has accelerated. In this chapter, I summarise the arguments in favour of sortition and present proposals that use sortition to varying degrees. First, I present the most far-reaching proposal of a complete *lottocracy,* in which all political representatives are chosen by lot. I then briefly present more modest proposals that suggest combining elected and randomly selected committees in different ways. In the second part of the chapter, I discuss the arguments in favour of sortition-based systems. I summarise the criticisms of elections, as well as three particular advantages associated with lottocracy: the inclusion of randomly selected citizens, the practice of deliberation, and the informed decision-making of these citizens.

2.1 Lottocracy

In recent years, many political philosophers, political scientists and political activists have argued for the involvement of *randomly selected* citizens in political decision-making (Abizadeh, 2021; Buchstein, 2010; Landemore, 2020; Guerrero, 2014). These proposals do not question democracy as a desirable political system. Instead, they question the design of current *representative*

democracies. More specifically, they ask whether *elections* are indeed the best way to select representatives who will generate policies that are supported by the electorate *and* that are objectively good (to the extent that policies can be objectively good or bad at all). Starting points for these discussions are, among others, the increasing distrust in elected politicians and parties (Grönlund and Setälä, 2007; van der Meer, 2017), declining voter turnout (Birch et al., 2013), and rising populism (Norris and Inglehart, 2019). Although, according to international surveys, democracy is considered the best system of collective governance, there is growing criticism of representative democracy as it is currently practised (Pilet et al., 2023). Therefore, the main argument for involving randomly selected citizens in policy making is the growing distrust in *elected* politicians and parties.

Proponents of this idea argue that elections are generally problematic for the selection of political representatives for several reasons. First, elections focus on the wrong characteristics as election criteria, such as the desire for power and feelings of superior qualification. Second, elected politicians are too often significantly different from their voters in terms of living conditions, education, and other relevant characteristics. And third, elections are not feasible for voters to truly establish control over their elected representatives. Arguably, some of these shortcomings could be addressed by changes to the electoral system, such as the introduction of quotas and term limits. However, *lottocrats* propose a more radical change to overcome these shortcomings: they argue for replacing the election of politicians with the random selection of citizens as political representatives. In this way, everyone who is currently eligible to vote would be eligible to become a political representative.[1]

The practice of randomly assigning public offices to individual citizens chosen by lot is called *sortition*. In general, lotteries and other random selection mechanisms can be used to allocate goods or to assign responsibilities, they either select people to *receive* things or to *do* things (Stone, 2011, 119). The former is the *allocative* function of random selection and is mainly used as a means of distributive justice. The latter is the *assignment* function of random selection and focuses on a fair distribution of *tasks* rather than of goods. In the context of policy-making, we are concerned with this latter function, the *assignment* of tasks of public importance to individuals, rather

[1]This proposal is not new. Indeed, ancient Athenian democracy was based on the selection of representatives by lot rather than by election. Likewise, lottery selection played an important role in several societies in the Middle Ages and the Renaissance. Several authors have discussed the historical use of the lot as an element of democracy and other political systems. I will leave this historical dimension aside in this thesis, as much has been written about it elsewhere. For interesting and informative overviews, see for example Buchstein (2009); Headlam (1891); Van Reybrouck (2018); Sintomer (2020, 2023).

than the fair distribution of a scarce good.[2]

Various forms of sortition-based participation have been discussed, which fall into three main categories: (i) randomly selected citizens as *advisers* of elected politicians, (ii) bicameral solutions that *combine* elected politicians and randomly selected citizens, and (iii) entirely lottery-based proposals without elections of politicians. The latter proposal has been introduced by Guerrero (2014) under the term *lottocracy*.[3] It is the most radical and controversial proposal, but in some ways also the most interesting. It is interesting for two reasons: First, because what is said below about a fully lottery-based system will also tell us a lot about more modest uses of lottery-selected assemblies. The problems we identify for the full lottery proposal can also point us to problems with more limited uses of lottery selection in policy-making. For example, if we identify a legitimacy problem for the randomly selected assembly, we will need to justify thoroughly why this legitimacy problem does not exist in semi-lottocratic systems.

On the other hand, complete lottocracy is the only proposal that responds to the criticism of elections by replacing them, rather than looking for mechanisms to reduce the negative effects of elections. Let me use the metaphor of fixing a broken house to illustrate why this might be an advantage of lottocracy. Imagine you discover that the foundation of your house is rotten, that the supporting walls of your house are mouldy. What is the best way to repair the house? Would you put in wall dryers and hope that a little fresh air would solve the problem? Would you knock down half the walls and

[2]Note, interestingly, that *sortition* historically refers to the assignment of public *duties* to people, rather than to the distribution of a scarce and inseparable good. Many contemporary arguments for sortition emphasise its *fairness* dimension for the distribution of desirable, powerful political offices. As Stone (2011, 119, 174) notes, 'sortition' historically refers to the assignment of political offices and thus to the random assignment of tasks of public importance. This distinction between the fair distribution of *desirable* positions and the fair distribution of important but potentially *unpleasant* duties will become important in Chapter 5.

[3]A second entirely lottery-based system has been proposed by Bouricius (2013) who argues for a multi-body sortition system where steps of the policy-making process are performed by different randomly selected groups. He suggests one group to set the political agenda, several interest panels to draft different bills, different review panels to review proposed bills for different policy areas, policy juries to vote on proposed bills, and a rules and oversight council. The focus of Bouricius' proposal is to divide the different steps of policy-making into many different committees in order to reduce path dependency and groupthink, while increasing the number of people reviewing and possibly rejecting policies. The fact that the members of these different committees are randomly selected rather than elected is a step towards diversifying policy-making. However, Bouricius' focus is mainly on the *multi-body* structure of his proposal rather than on the element of *sortition*. Therefore, I will not discuss his proposal in detail below.

replace them with fresh, strong material? Would you perhaps cut out some of the mouldy material and try to stabilise the house by putting in some new stabilising columns? Or would you try to get rid of all the rotten material and put your house on a new, stable, dry foundation? Guerrero takes this last course. He assumes that replacing a serious defect requires curing the causes of that defect, rather than just trying to reduce the damage or cover up the symptoms of the defect. In order to do so, he suggests lottocracy. He sees elections as such a severely broken and flawed institution that, rather than trying to repair it, it should be replaced altogether. And, to stay with this image, the analysis of whether lottocracy is a good *replacement* for the identified defects of elections also helps us to evaluate it as a potential *stabiliser*, as a material to build the stable pillars if we cannot afford a complete replacement. If the far-reaching lottocratic proposal itself turns out to be suboptimal, mouldy or unstable, it might not be advisable to use it as a stabilising remedy either. Thus, whatever we conclude about a fully lottery-based political system as a remedy for the defects of elections, will also give us important insights about the more general use of sortition as a cure for the ills of election-based democracy. For these reasons, this thesis analyses the democratic potential of *lottocracy* rather than semi-lottocratic proposals which supplement elected bodies with sortition, or inform elected bodies with recommendations from randomly selected citizens. Depending on the strengths and weaknesses we identify, this analysis will also inform our evaluation of sortition as a *supplementary* feature of election-based democracy.

In this section I present the general design of the lottocratic proposal. Although the focus of the thesis is on a far-reaching, fully lottocratic system, at the end of this section I will also briefly introduce two more modest proposals that combine elections and sortition either in two chambers or through consultative institutions. It is helpful to keep these more modest proposals in mind, since much of what will be said about the lottocratic proposal will also apply to some extent to such combined proposals. In the next section, I will discuss the justification for this proposal and the underlying arguments in favour of sortition over elections. To get a better idea of what the debate is really about, here is Guerrero's proposal to replace elections entirely with lottery selection.

Lottocracy would have three distinctive features (*my formulation based on* Guerrero, 2014, 155-6):[4]

1. The legislative function is carried out in *multiple* single-issue legislatures rather than in one *generalist* assembly such as Parliament or Senate.

[4]Unless otherwise noted, all references in this section are to Guerrero (2014). For a better reading experience, I will only give page references below.

2. The members of the single-issue legislatures are selected *randomly* by lot from the relevant political jursidiction rather than elected. They would become *paid politicians* for the period of their service.

3. The selected members of the legislatures would hear from a variety of experts on the issue at the beginning of each legislative session, they would deliberate among themselves and consult with non-selected members of the citizenry before taking a majority decision on the respective issue or legislation.

Lottocracy is still a *representative* political system, not a direct one where all citizens participate in all decisions. Moreover, that is the assumption of this thesis, it is supposed to be a *democratic* system, not epistocratic, anarchic, technocratic or some other *non*-democratic alternative. In a lottocracy, citizens *rule themselves* rather than being ruled by someone over whom they have no control. Although political representatives would no longer be elected in free and recurring elections, they would still be supposed to *represent* those citizens that were not selected. Instead of being *elected,* political representatives would be selected by lot out of the totality of all adult citizens.[5] The distinctive features of lottocracy are as follows.

First, lottocracy would work in multiple *single-issue* focused legislatures rather than in one generalist parliament (158-9). These *single-issue lottery-selected legislatures* (SILLs) would be the central legislative institution in the lottocratic system. SILLs are similar to standing committees in election-based democracies. Examples of policy issues that a SILL might focus on are migration policy, environmental policy, family policy or health policy. The advantage of discussing policy options in single-issue legislatures rather than in a generalist parliament is that it reduces complexity and facilitates more productive cooperation. If all political representatives, whether elected or selected randomly, need to be informed about all policy issues, the advantages of representative political systems diminish. The sheer number of policy issues under discussion makes it impossible to be properly informed on all of them. It takes a lot of insight and information to make well-informed decisions on a complex policy issue. It is difficult to impossible to be equally well-informed about complex policy issues in very different areas. Working in single-issue legislatures is a matter of division of labour and cognitive workload reduction

[5]Whether or not non-citizens, children or adolescents should also be entitled requires further discussion. In the following, I will consider everyone who is currently entitled to vote entitled to participate in the lottery of lottocracy. If the right to vote in election-based democracy is expanded, the right to lottery-participation should be expanded in the same way.

rather than a unique feature of lottocracy (Guerrero, 2020). However, it is of particular importance in lottocracy for two reasons.

On the one hand, working in single-issue legislatures reduces the amount of information that political representatives have to process and consider. On average, ordinary people are not too interested in many political issues and enter with less prior information than people who run for office. Reducing the amount of information to *one* issue makes it easier for them to form a well-informed opinion on that issue. On the other hand, a single-issue focus also allows attention to be given to issues that are often neglected by elected politicians, either because they are not good for re-election or because they are simply dominated by more pressing day-to-day issues.[6]

Guerrero does not further specify the number of SILLs, but let us assume that the lottocratic system would work in 200 different single-issue legislatures selected by lottery. The current US House of Representatives has 26 committees dealing with issues such as agriculture, energy and commerce, foreign affairs, natural resources or science, space and technology. Similarly, the German Bundestag carries out much of its work in 25 permanent committees, focusing on issues such as foreign affairs, the budget, food and agriculture, national defence or transport. To further reduce complexity, suppose that in a lottocracy, policy issues could be defined even more narrowly, so that the issues were narrowed down to 200 different single issues. With each SILL consisting of 300 people, a total of 6,000 political representatives would be elected at the same time.

As well as reducing complexity and allowing SILL members to be properly informed about the issue they are dealing with, single-issue focus also allows them to address less pressing issues or issues that do not normally attract

[6]Working in single-issue legislatures rather than generalist parliaments is not a necessary design feature of lottocracies or other sortition-based political systems. Bagg (2022), for example, does not see the need for single-issue legislatures and Landemore (2020) explicitly opposes it. She argues for lottery selection as an element of democracy in what she calls 'open democracy' and agrees with many of Guerrero's arguments, but she explicitly prefers a centralised, all-purpose legislature to the single-issue focus proposed by Guerrero. According to her, a single-issue focus makes it difficult to impossible to deal with bundled issues and to achieve coherent laws and policies that touch on multiple issues (Landemore, 2020, 80). In general, the single issue focus is not necessary to meet the procedural requirements of democracy. It does, however, improve the epistemic, substantive quality of the decisions that can be expected from lottocratic assemblies composed of lay people with comparatively little issue-related knowledge, simply because a single-issue focus reduces the complexity and amount of knowledge that the randomly selected need to possess. I will return to the procedural and substantive dimensions of democracy and the advantage of single-issue focus below. For now, suffice it to say that lottocracy in the following will refer to a political system organised in multiple legislatures rather than in a generalised parliament.

the attention of voters. Guerrero points out that elected politicians focus on issues that are beneficial to their re-election for at least one of two reasons. Either they are considered by their constituents to be so important or urgent that not addressing them would jeopardise their re-election. Or they focus on policy decisions that are beneficial to their re-election because they please, rather than alienate, their voters. Both of these problems could be avoided by focusing on a single issue. Most issues could be clearly defined at the beginning of a legislature and would not be dominated by more prominent issues. And the selected citizens would not have to face re-election, so they would have little reason to avoid issues with more onerous political consequences.

The second distinctive feature of lottocracy is the selection of political representatives by *sortition* rather than by election. Political representatives would be chosen randomly from all adult citizens. Guerrero proposes lottocracy as a rotating system. Each lottery-selected legislature would consist of 300 people, 100 of whom would be replaced each year. In this way, each member would serve a three-year term (156). However, not all members are replaced every three years, but one third of them every year. This is intended to ensure continuity and a balanced combination of continuity and fresh, unbiased perspectives. This continuous replacement of political representatives also reduces the power of the bureaucratic substructure of the lottocratic system. The newly selected people would not only be instructed and trained in their roles by the staff organising the lottocratic process, but they would also be instructed by other randomly selected citizens who are less likely to have special interests. Selecting representatives randomly rather than in elections promises that they will be descriptive representatives of the entire citizenry, sharing the demographic characteristics and attitudes of the citizenry to a larger extent than elected politicians currently do. Moreover, selecting representatives randomly and replacing them frequently makes bribery and special-interest capture more difficult. I further elaborate on these and other advantages of random selection in the next section.

The selected citizens would become full-time, paid politicians for a period of three years. The political culture should be such that serving as a SILL member is seen as a civic duty and an honour, rather than an unpleasant obligation. Serving on selection would not be mandatory, but efforts should be made to accommodate family and work schedules, to provide relocation expenses, and to guarantee return to previous jobs (156).[7] In addition, high salaries could increase the incentives to accept office after selection. Each

[7]The choice of whether to make serving on selection mandatory or not has important implications for the promise of representation in lottocracy, a point I discuss in detail in Chapter 5.

selected citizen could be paid a significant salary, which could be either a high, significant sum for everyone, or a multiple of people's individual incomes (156). However, paying people a multiple of their personal income is problematic because it means paying people *different* incomes for the same kind of work and violates fundamental requirements of equality and justice. According to Guerrero, calculating the cost of the current political system, each SILL member could be paid between $ 500,000 and $ 1,000,000 per year (164). Such high salaries could reduce the risk of bribery and capture of the randomly selected. However, such high salaries would also make people *significantly* different from all non-selected citizens, not only while they are in office, but also after they have served.[8] Let us recapitulate here that SILL members are randomly selected, serve in *one* of multiple single-issue legislature, serve for three years, take office as a paid rather than a voluntary work and are paid a reasonable salary for their service.

Finally, let me say something about the third distinctive feature of lottocracy, namely the specific workflow and the involvement of various experts in policy-making. Guerrero does not elaborate on the executive branch of the lottocratic system. He does not specify how the president, chancellor or ministers would be chosen. Randomly selected citizens would replace the current elected members of parliament or congress. The randomly selected would be part of the legislative power, they would draft and pass bills and laws. They would not necessarily represent the country in diplomatic or international relations. If lottocracy turns out to be a substantial *democratic* alternative to elected governments, more needs to be said about how the executive power in a lottocracy would be selected and set up.

What Guerrero does illustrate, however, is how the lottocratic legislatures would actually work. Each single-issue lottery-selected legislature would meet for two legislative sessions per calendar year. Every legislative session would be structured in seven phases, beginning with agenda setting and ending with the drafting, revising and voting on concrete policy proposals (157). In the agenda-setting phase (1), each SILL votes on what it will deal with in the next six-month legislative session. This choice is based on a list of proposals from external experts, SILL members and the general public. Topics can range from small changes to existing laws or procedures to the drafting and implementation of new laws. Proposals that are not selected for the current legislative session could remain on the list for the next vote, but focusing on a small number of issues can ensure an intensive and comprehensive analysis of these issues, leading to solutions that take into account all relevant facts. SILL members would vote on the agenda for the next legislative session at the end

[8] I briefly discuss reasons against high salaries in Section 5.1.

of each session, allowing relevant experts to be selected and SILL members to consult with the public before the legislative session begins. However, Guerrero does not clearly specify the scope of such legislative sessions and whether being a SILL member would be a full-time job. Moreover, the way in which he drafts the lottocratic proposal seems to focus on long-term legislation and policy-making, rather than on day-to-day political decisions such as responding to global conflicts or natural disasters.

After the agenda-setting phase, the second phase and defining element of lottocracy is the *expert presentation phase.* This is where SILL members receive background information and specific knowledge on the topic at hand. It is important to stress that 'experts' in this phase are not only scientists, but also people with special experience in the relevant context or those who would be particularly affected by legislation. The selection of these experts is a crucial point in Guerrero's proposal to ensure the quality of decisions and the absence of manipulation and undue influence. He calls for a 'qualification assessment process' to determine whether a person qualifies as an expert, and an 'expert selection process' (161) to decide which qualified experts should have the opportunity to speak. Guerrero does not conclusively explain what this expert selection process might look like, but states that the details of this process and ways to avoid manipulation would need to be further specified (162). He lists various facts that might make someone an expert, such as expertise – demonstrated by advanced degrees, years of professional experience or relevant publications in independent, peer-reviewed journals – and experience, including professional or life experience (for example, the fact that one is disabled, gay or has aborted a child, if the decisions to be taken concern such experiences). He points out that a balanced presentation of different ways of looking at a problem would have to be ensured, and that the details of this process and ways of avoiding manipulation need to be further specified (162).

After agenda setting and expert presentations, the third phase of the lottocratic policy-making process is the *deliberation phase.* This is a central part of the lottocratic proposal. Here all SILL members discuss their views on the issue at hand, share their opinions and concerns, and exchange views with people from different social backgrounds. This phase is crucial to the *deliberative* promise of lottocracy: that people will form better informed, less radical and more accommodating opinions after deliberating in diverse groups.[9] How exactly this phase is structured is not important here. Suffice

[9]See Fishkin et al. (2021) on the positive effects of deliberation in diverse groups *against* group polarisation and Sunstein (2002) on the increased risk of polarisation in groups of like-minded people.

it to say that SILL members consult and deliberate with each other, in small working groups and in plenary. They should also seek the opinion of the general public through virtual discussion platforms or, better still, by going back to their home regions and organising something like town hall meetings or panel discussions. In this way they could both inform non-members about the issues and proposals under discussion and gather information about the opinions and concerns of the public (162).

'Deliberation', in this context, is understood in a relatively pragmatic and straightforward way. The main element of deliberation is the *exchange of views and the justification of those views.* In contrast to discussion or argument, the aim of deliberation is to learn about different relevant aspects of an issue, rather than to convince others of particular positions. Deliberation within a lottocracy does not require unanimous decisions. It leaves room for disagreement, compromise and majority decisions. The 'Discourse Quality Index' helps to understand how 'deliberation' will be understood in the following. It attempts to operationalise aspects of communicative interactions in order to classify them as *deliberative* or rather *not deliberative.* Modes of communication that do not count as deliberative are, for example, dispute, hate speech, or discussion. A simplification that helps to distinguish deliberation from other forms of communication is that deliberation focuses on the *exchange of reasons,* rather than on winning or losing a debate. The aim of *deliberation,* as it will be understood throughout this thesis, is to arrive at the best collective decision based on a variety of relevant reasons.

To call something 'deliberation', the following criteria should be met (*summarised and simplified from* Bächtiger et al., 2022, 83-4):

1. **Participation Equality:** Opportunities to participate should be equal. This can be measured in terms of the time allocated to each statement and the absence of interruptions to allow people to express their views.

2. **Level of Justification:** In politics, it is difficult to define what constitutes a good reason. The aim of deliberation is to give reasons for someone's opinion. The relations between premises and conclusions could be marked by argument connectives such as 'since', 'so', 'because', 'therefore'. To assess the quality of deliberation, the level of justification can be distinguished into four levels: no justification, inferior justification (with weak links between reasons and conclusions), qualified justification (with 'decent rationales' (Neblo, 2007, 28) linking reasons and conclusions), and sophisticated justification (with 'sophisticated rationales' (Neblo, 2007, 28) linking reasons and conclusions).

3. **Content of Justification:** The aim of deliberative justification is to

focus on the common good and shared interests rather than narrow group and individual interests. The quality of deliberation is judged by the extent to which justifications focus on the interests of the many rather than the few.

4. **Respect:** Deliberation requires respect for other participants. The quality of deliberation can be assessed in terms of respect for groups, for claims and for counter-arguments. The aim of deliberation is not primarily to change one's own opinion, but to have a positive appreciation of the reasonableness of other people's opinions.

5. **Constructive Politics:** The classic aim of deliberation is to reach a consensus, but this does not mean that there has to be a consensus on the one right decision or the one best argument. Rather, the aim is to reach a collective decision that everyone can accept as a collectively acceptable compromise.

More needs to be said about the role of moderators in facilitating such qualitative deliberation, the potential impact of such moderators, the decision rules for reaching collective decisions in SILLs, and other underlying structures. In order to assess the democratic potential of lottocracy, it is sufficient to stress that it is based on the assumption of high quality deliberation within the different legislative assemblies.

After these deliberations, the fourth phase of the lottocratic proposal is the drafting of concrete legislative proposals. As in other political systems, this would need to be supported by drafting aids and legal advisers, since the randomly selected themselves are unlikely to have the relevant legal expertise.[10] Finally, the SILL would vote on the bill and, if approved, it would

[10]Note that the same is true for elected politicians, where the actual drafting of laws is also done by permanent legal staff in ministries. A recent experience in Chile has shown the limits of placing lawmaking exclusively in the hands of citizens. A constitutional convention composed mainly of ordinary citizens (only 13% of the 155 members had previously held elected office) drafted a constitution that was criticised for being too narrowly focused on individual areas of interest and too far removed from the country's current institutional design. The new constitution was rejected by 62% of Chileans in a national referendum in September 2022 (Nolte, 2022). In contrast, members of the French Citizens' Convention on Climate complained after the meeting that their recommendations were not sufficiently reflected in the final law drafted by the lawmakers. They emphasised that ordinary citizens are perfectly capable of understanding laws, even if they cannot write them. Interestingly, in the French case, the demands of the assembly were more far-reaching than the final legislation, suggesting that this legal staff was more conservative than the assembly after deliberation, possibly because it was the legal staff of the French government. Participants pointed out that they did not see their demands reflected in the proposals submitted to the French parliament (Kulitza, 2021).

have the status of officially valid laws and regulations, like those currently passed by elected politicians. Of course, a veto by the Constitutional Court or other checks would still exist.[11] Moreover, it might be interesting to discuss the extent to which other SILLs should be given the opportunity to comment certain proposals or if the general approval of an additional committee should be required.

Further discussion of the design features of lottocracy as suggested by Guerrero (2014) will be left aside from here on. Instead, I will focus on the *democratic potential* of sortition. The question is whether a system that replaces the *election* of political representatives with the *random selection* of citizens as legislators would be a form of *democracy.* And if so, we can go on to discuss the extent to which sortition fulfils democratic ideals better, equally well or worse than elections.

Several authors generally agree with Guerrero on the potential of involving randomly selected citizens in policy making. However, many of them are more sceptical about the extent of power that should be given to such randomly selected citizens. As noted above, this thesis focuses on Guerrero's far-reaching proposal for a fully lottery-based system. However, I will briefly introduce two other groups of sortition-based proposals: those that propose to combine an elected and a randomly selected committee, and those that propose to supplement the elected committees with randomly selected advisory committees.

These proposals differ in the function and authority they assign to randomly selected citizens. Abizadeh (2021), Gastil and Wright (2019a), and Zakaras (2010) argue for the introduction of bicameral systems, with one chamber elected and the other made up of randomly selected citizens. Such a second chamber would scrutinise the decisions and legislation of elected politicians. It is argued that this second chamber would not be guided by the same financial and electoral incentives as elected politicians and could therefore assess the extent to which the decisions taken by elected politicians are generally favourable to citizens' interests. (Zakaras, 2010), for example, argues that the elected US Senate at both state and federal level should be replaced by a randomly selected citizens' assembly. The role of this body would be to monitor and oversee the decisions of elected politicians. It would not be responsible for drafting legislation, but for reviewing and potentially vetoing the decisions of elected representatives. Such a chamber should help to prevent the concentration of power in the hands of a small elite. It should

[11] Importantly, lottocracy suggests to change the mode of selecting representatives. It does not argue for abolishing fundamental democratic principles like the division of power. I say more on this in Chapter 3.1.

ensure the democratic ideal that the interests of all citizens are taken into account equally in policy-making, rather than giving priority to the interests of a small elite that is in a better position to gain political influence (Zakaras, 2010, 461).

The selected 'citizen representatives' would serve for a full year, plus a two-month training period during which they would observe the work of the previous lottery assembly. They would be paid a substantial salary, Zakaras suggests twice the median US household income, currently around $100,000 per year (Zakaras, 2010, 458). And they would take this job on a full-time basis, with the possibility of working part of the week from home. These conditions would give those selected sufficient time and capacity to follow closely all the legislative decisions that are discussed and taken. In the event of a veto of a law passed by the elected representatives, the randomly selected would not be able to amend or rewrite the law themselves. Instead, it would be sent back to the elected chamber. The sortition chamber could also force the elected chamber to pass legislation on issues that had been introduced there but never progressed. Finally, the sortition chamber would have full power to redraw electoral districts following the release of new census data (Zakaras, 2010, 457). Although Zakaras assigns significant power to random citizens as members of an oversight committee, he is sceptical about the ability of randomly selected citizens to draft legislation or manage complex budgets, given their lack of expertise compared to professional politicians and their lack of experience in assessing the long-term consequences of their decisions.However, it seems to me that this assumption also raises the question of why people should then be able to assess the long-term consequences of the decisions taken by their elected representatives.

Similarly, Bagg (2022) argues for a body of randomly selected people as an oversight committee rather than a tool of representation. He stresses that the unique and promising feature of lottery selection is its potential to prevent elite capture, because its tasks would be limited, it would be selected at relatively short notice, and it would remain insensitive to the career-driven conflicts of interest and manipulation that elected politicians face (Bagg, 2022, 2).The random selection of people for these oversight positions makes it unlikely that people with special interests or personal connections to those they are supposed to be overseeing will take on oversight roles. Similarly, historically the aim of sortition bodies has not been authentic representation but rather the prevention of corruption (Bagg, 2022, 3). The random selection of citizens for political office and the frequent rotation of positions was intended to prevent the monopolisation of power (Sintomer, 2023, 52). Bagg argues that using sortition chambers as *oversight* rather than legislative committees would reduce the cognitive demands and complexity for randomly selected citizens.

Their role would not be to propose legislation themselves, nor to evaluate the content or quality of legislation, as Zakaras suggests. Instead, Bagg envisions the sortition body as a committee that merely judges whether a particular use of public power violates the promotion of the public interest (Bagg, 2022, 7). In other words, the role of the oversight committee would not be to assess the quality of a piece of legislation, but to identify when elected politicians have been manipulated, captured or used their power *against* rather than to advance the interests of their constituents.

However, it is not clear how citizens are supposed to be able to see through the complex interdependencies between career politicians, private interests, consultancies and party sponsors. Nor is it clear how randomly selected citizens, without thorough and unbiased information about a particular piece of legislation, are supposed to be able to judge whether a particular policy is in or against the interests of the electorate. Guerrero (2014) argues at length in favour of *singel-issue* legislatures combined with full-time positions rather than generalised parliaments, mainly because policy decisions are so complex that a lot of background knowledge is needed to make meaningful decisions. The aim of randomly selected bodies *combined* with intensive information and deliberation phases is in particular to overcome such misinformation or misinterpretation of personal circumstances. Assigning oversight functions to randomly selected citizens, as Bagg suggests, without at the same time informing these people about the advantages, disadvantages and related consequences of different policy measures, will not bring the benefits promised by Bagg. For example, as Bartels has shown, many Americans supported the regressive tax cuts and estate tax reductions proposed by the Bush administration in 2001 and 2003. But in fact, these new measures were detrimental to most citizens with average incomes. Bartels argues that these people voted this way because they were unable to understand that such cuts would exacerbate income inequality rather than equalise income distribution (Bartels, 2016, 137). Guerrero argues that the intense period of information and deliberation would enable ordinary citizens to better assess what would actually improve their personal situation.

Installing citizen committees with oversight functions would require that the selected members are informed thoroughly on the issues at hand. They cannot meaningfully evaluate complex legislative proposals without participating in an intensive information and deliberation task. Competent monitoring of political decisions is not much easier than drafting policy, at least not when such drafts are intended to lay the foundations for desired legislation rather than to write legally correct laws. And the drafting of laws is always the job of the legal profession, not the job of elected politicians. The specific advantage of randomly selected citizens over associations or initiatives

focused on lobby control remains unclear. There is no shortage of evidence that politicians are manipulated, captured or biased. For most recent laws, activists and initiatives can trace who sponsored, advised or drafted them. Several organisations already provide the oversight that Bagg suggests (Lange et al., 2021; Bank et al., 2021). The problem is not the lack of oversight, the problem is the lack of power of the oversight bodies that do exist. Most people do not pay much attention to their reports. And the research and resources needed to thoroughly investigate and track manipulation and capture exceed a simple monitoring task that could be done with comparatively little effort and information. It is unclear why randomly selected citizens would be better placed to carry out this demanding, evaluative task than to express which principles they would like to see enshrined in law and to participate in the drafting of those laws. And even if, as Bagg argues, average citizens are better able to monitor policymaking than to make it themselves, it is not plausible that meaningful monitoring is less cognitively and temporally demanding than making policy.

Also Stone and Malkopoulou (2022) propose a dedicated chamber as an oversight committee with the task of 'defending democracy'. They argue that elected politicians can, if they wish, influence the institutions that are supposed to oversee their work –especially constitutional courts– to rule in favour of those they are supposed to oversee. Randomly selected citizens, they argue, would be more independent, non-partisan and generally closer to the needs of the citizenry.

Finally, a third group of proposals recognises the potential of involving randomly selected politicians in policy making. However, they are more modest about the extent to which this should be done. I will subsume these proposals under the group of *advisory* proposals. Although she is very sceptical about giving randomly selected citizens any binding decision-making power, Lafont (2020) recognises the potential that so-called mini-publics can have in informing elected politicians of the opinions and concerns that prevail in society. Moreover, she and other deliberative democrats stress the importance of such mini-publics in transforming uninformed individual opinions into considered judgements. Many political and communication scientists recognise the effect that deliberation in small and diverse groups has on opinion formation and the balancing of radical opinions (Fishkin et al., 2021; Reuchamps et al., 2023).

Several initiatives and even elected politicians advocate the involvement of randomly selected citizens as advisory committees for elected politicians (HalloBundestag, 2023; SortitionFoundation, 2023). Establishing randomly selected citizens' assemblies as *permanent* institutions of a democratic society can bring some of the benefits associated with sortition as an element of democ-

racy. It can make the opinions of ordinary citizens present in policy-making, rather than trying to represent them through politicians. French President Emanuel Macron, for example, convened the French Citizens' Convention on Climate in order to decide on environmental policies that were supported by the entire citizenry *because* they were taken in a process that involved ordinary citizens (CESE, 2023). In this case, questions about the legitimacy of such assemblies are less problematic. Whatever a randomly selected chamber recommends will only be accepted or enacted after approval by a committee of elected politicians. And since these politicians are legitimate, empowered representatives of the people, they can take into account whatever advisory committees they deem appropriate.

At first sight, citizens' assemblies with a purely advisory function seem to be the least controversial use of randomly selected citizens as policy-makers. However, the use of randomly selected citizens' assemblies as mere advisers *without* giving their recommendations a binding status can also be problematic. Van Dijk and Lefevere (2023) show that the implementation of mini-publics can 'backfire'. If the recommendations of such committees are ignored or overstepped, mini-publics can even *decrease* trust in democracy and elected politicians. If randomly selected citizens are to be involved in policy-making, especially if it is to save or improve democracy, such assemblies need a clear mandate. Otherwise, they may exacerbate the problem they are intended to alleviate: distrust in elected politicians. Moreover, consultative citizens' assemblies need to follow clear guidelines on how they should be organised. Macq and Jacquet (2023) show that politicians sometimes use mini-publics to 'greenwash' their policies and gain public support through the endorsement of a mini-public. When support for a policy comes from a properly organised, fair and impartial citizens' assembly, this seems to increase the responsiveness of politicians to the people. But if a citizens' assembly is convened in a biased way, for example by including only people with certain attitudes or relying on a biased selection of experts, the use of citizens' assemblies can reduce trust in elected politicians. Rather than producing policies that reflect the will of the majority of citizens, it will reinforce the perception of a populist gulf between the will of those in power and the will of the public.

Ultimately, consultative citizens' assemblies face similar legitimacy issues to more empowered citizens' assemblies: if their decisions are generally democratically valuable and legitimate, they should be implemented by elected politicians. If elected politicians fail to act on these recommendations, this will further undermine confidence in representative democracy. But if randomly selected mini-publics have no democratic legitimacy, then it becomes highly questionable why they should be convened at all, and why elected politicians should take their recommendations into account at all. After all, it

is a very small group of citizens who are put in a privileged position to advise elected politicians.[12] If their recommendations are to receive more attention and weight than the opinions of the electorate as a whole, this needs to be carefully justified. Therefore, assessing the democratic legitimacy of the full lottocratic proposal will also help us understand how the recommendations of citizen *advisers* should be followed by elected politicians.

2.2 The promise of sortition

I have presented various designs for sortition-based political systems. They use sortition to different degrees and give different powers to the sortition body. But they all use it based on similar assumptions about the benefits of sortition. In this section, I present the four most common arguments for sortition. Because of these advantages, it is interesting to consider implementing sortition-based systems at all. Some of these supposed advantages of sortition will form the basis of the following analysis of the democratic status of sortition. The purpose of this thesis is not to justify these assumptions. Several authors have argued at length for these benefits (Courant, 2019; Fishkin et al., 2021; Grönlund et al., 2014; Guerrero, 2014; Landemore, 2020) and many empirical applications of sortition provide evidence of these effects (OECD, 2020; Reuchamps et al., 2023). The following chapters build on these assumptions, largely without further justification or discussion of opponents' views. I show how lottocrats defend their proposals and build on these supposed lottocratic promises to assess the democratic potential of lottocracy. I therefore begin by making these central assumptions as clear as possible.

Democratic political systems are desirable because and insofar as they produce *responsive and good outcomes* in relation to a given political problem (Guerrero, 2014, 136). The concepts of *responsiveness* and *good governance* are the threshold for assessing the quality of democratic systems. However, these concepts are themselves complex and not as clearly defined as we might wish. Various proposals have been made and discussed as to what *responsiveness* and *good governance* are. In a very general sense, these two requirements can be defined as follows:

[12] It is generally assumed that the advisory status of scientific experts or, more generally, policy advisers is justified by their particular experience or qualifications. Randomly selected citizens would not be particularly qualified. Arguably, many scientific or policy advisers do not have special qualifications, but rather special interests. But this concern requires a justification for the legitimacy of political advisers and does not provide an argument for the legitimacy of citizens as advisers.

Responsiveness Political outcomes are *responsive* to the extent that they are tied to what the people living in the political jurisdiction actually believe, prefer, or value, so that if those beliefs, preferences, or values were different, the political outcomes would also be different, would be different in a similar direction, and would be different because the beliefs, preferences, and values were different. (Guerrero, 2014, 136, my italics.)

Good Governance Political outcomes are *good* to the extent that they are tied to some *objective* point of view that is not tied to the views and values of the people living in the political jurisdiction. *Goodness* may be a function of the *actual* interests of the people living in the jurisdiction rather than their personal interests *as they perceive them*; it may be related to average individual welfare or the welfare of the worst off; it may be related to levels of individual autonomy or to some objective ideal of justice. Whatever the concrete requirement, an outcome is *good* to the extent that it is consistent with the required *objective* ideal. (Adapted from Guerrero, 2014, 137, my italics.)

The concept of *responsiveness* can be understood in two ways: it can consider those policies *responsive* that respond to people's actual, articulated opinions. Or it can consider those policies *responsive* that correspond to "the outcomes that would be preferred if people learned more about the issue" (Guerrero, 2014, 171). We can call the latter 'informed' or 'enlightened' preferences. This distinction will be important for the overall evaluation of lottocracy. However, it will not detain us here and I will return to it in more detail in Chapters 3.3 and 5.

According to Guerrero, a political system will only produce responsive and good governance if voters can hold their representatives accountable. Without such functioning accountability mechanisms, elected politicians will either advance their personal interests or, more importantly, be captured by the special interests of a small, financially powerful elite. A politician is seen as

Captured if he or she uses his or her position to advance the interests of the powerful, rather than to create policy that is responsive or good (when doing so would conflict with the interests of the powerful). (Guerrero, 2014, 142)

This general concern about capture is based on a rather pessimistic view of politicians. It expresses a general mistrust in the genuine benevolence of politicians and portrays them as always more responsive to special influences

than to their electorate. In an ideal democracy, politicians would prioritise the interests of their constituents and not be captured, even in the absence of functioning accountability mechanisms. However, empirical evidence shows that influences on policy-making are often shaped by the interests of a powerful few rather than the general public (Gilens, 2012; Lange et al., 2017, 2021). And while elections are supposed to incentivise politicians to promote the interests of their constituents, Guerrero argues that elections are incapable of establishing meaningful accountability between voters and politicians. Because political problems are too information-intensive, factually complex, and require advanced competencies to evaluate possible solutions, it is very complicated to know the best possible solution to political problems (Guerrero, 2014, 147). Because of this complexity, voters will generally not be able to evaluate the behaviour of their representatives in a *meaningful* way, and their votes will therefore not be able to establish *meaningful accountability.* But without the latter, politicians will have no incentive to produce responsive and good policies.

The way elections are organised in democratic countries is very different. They are not equally problematic in all democracies. The US system is clearly dysfunctional because of the winner-take-all vote count, the two-party system and the unregulated system of campaign finance (Diamond, 2020). Many other countries have much more elaborate and fine-grained electoral systems, with party plurality, personalised proportional representation and governments based on multi-party coalitions. Nevertheless, elections face the following common difficulties in their ability to establish accountability between votes and representatives: (1) The numerical discrepancy between principals and agents. A representative simply represents too many people to be responsive to all of them. (2) The problem that elections simultaneously serve as a mechanism for selecting and sanctioning candidates. Introducing term limits might reduce long-term dependencies, but it would take away a means of control from voters. (3) The complexity of political issues. (4) The opacity of representatives' actual intentions and behaviour. It is too difficult to make a meaningful assessment of the long-term effects of some policies. (5) The insignificance of the individual voter. (6) The undesirability of limiting overt influence because it threatens core democratic values of freedom of opinion and speech. (7) The inequality of power and money among voters.[13]

The promise of lottocracy and other sortition-based proposals is that they are better able to produce both responsive and good policy outcomes. The underlying mechanisms for delivering on this promise are as follows. They are not unique to full lottocracy, but are thought to operate in the more modest

[13]For the full argument see Guerrero (2014, 150-153).

sortition-based proposals as well.

The lottocratic proposal is based on four fundamental advantages: (1) the advantage of random citizen participation, (2) the advantage of the absence of elections, (3) the advantage of informed decision-making, and (4) the advantage of deliberation. Each of these advantages results from different lottocracy-specific features. Some of them are related to the practice of sortition, some to the satisfaction of basic democratic values, and some to the specific design of the lottocratic system.

First, the participation of *randomly selected citizens* has two desirable effects. On the one hand, the use of lotteries for the selection of political representatives is a unique expression of the fundamental ideal of political equality. Lottery selection gives everyone an equal chance of having political power, rather than an equal say in who has political power. Moreover, it distributes actual access to political power equally. In electoral systems, such access is very unequally distributed due to systemic barriers to running for office and a lack of political education among many groups in society. Although such systemic hurdles may be reduced compared to the status quo, the selection of representatives by election is to some extent *oligarchic,* while the selection by lot is *democratic.*[14] Manin (1997) famously argues that the founders of modern republics explicitly chose elections over lotteries because they wanted to limit access to office to people from certain social classes, with special knowledge or attitudes. Recently, Sintomer (2023) pointed out that the use of lotteries in politics was not only limited by oligarchic reasoning, but that the spirit of the Enlightenment gave priority to knowledge and competence, where the distribution of important offices by lot seemed to contradict this reasoning. Today, democracy is inextricably linked to elections, but there is a concern that elections may to some extent limit equal access to political office and influence. Particularly in light of the increased level of education of all citizens, the reasoning that only some are competent enough to make political decisions may no longer be compatible with the democratic ideal of political equality. I discuss this equality related advantage of lottocracy in detail in Chapter 4.

On the other hand, the lottery selection of political representatives is meant to produce political representatives who are *descriptively representative* of the society, meaning that they are *like* the society in terms of demography, socio-economic status and value beliefs. Such descriptive political representatives are better able to generate responsive policies because they do not *try to know* what their constituents want, but they *share* their views, interests and ideologies. Ensuring descriptive representation does not guarantee that policy

[14]See Aristotle (1885), Book IV, Part IX, 1294b.

decisions are actually responsive to citizens' interests, but it does ensure that the range of perspectives considered in policy-making is similar to the range of perspectives present in society. Diversifying the group of representatives also diversifies the perspectives taken into account in decision-making. And that can lead to more responsive outcomes. I discuss this representative value of lottocracy in detail in Chapter 5.

The second fundamental advantage of sortition is the advantage of *abolishing elections*.[15] In particular, there are two promising effects of replacing elections. On the one hand, it reduces the capture of politicians. On the other hand, it allows political representatives to focus on issues that are important but not conducive to re-election. Lottocracy promises to reduce capture in several ways. In lottocracy, no one can run for office, which makes it impossible to place favoured candidates in key positions. Moreover, representatives do not need to raise funds for election campaigns, which makes it easier to control and limit the contact between private donors and politicians, thus preventing undue influence (Guerrero (2014, 164), Zakaras (2010, 468)). In addition, the regular rotation of SILL members makes it more difficult to establish long-term relationships and to buy off individual members. SILL members are elected at much shorter notice than members of parliament, who often have a long history of political involvement. To influence the decision-making behaviour of SILL members, lobbyists would have to influence mass opinion in society rather than a few established politicians. Influencing mass opinion is more costly and difficult. Since it is completely unclear who will be selected as SILL members, private interests would have to influence the general public through media campaigns. This is costly and difficult because many people are simply not paying attention and are not interested in political issues. And even if the whole of society could be swayed in a particular direction by media campaigns, lottocracy provides a mechanism to counterbalance this biased information in the expert information and deliberation sessions. Influencing a few elected politicians or electable political candidates, on the other hand, is much easier, especially when donations and payments can be hidden over the course of several years or as party donations. In lottocracy, it would be obvious and easy to control if selected SILL members received unusual payments after their selection or after their service as SILL members.

The abolition of elections has a second positive effect, because it allows the focus to be on issues that are not conducive to re-election. Elections are a very short-term incentive system. Elected politicians have good reasons to focus

[15]Guerrero presents this as an additional advantage of random selection. However, it results more from *abolishing elections* than from *introducing random selection.* Therefore, I will refer to it as an advantage of abolishing elections and some election-specific shortcomings.

on issues that voters consider important and to implement policies that please rather than inconvenience their constituents. For example, implementing strict climate change regulations imposes high restrictions and costs on voters in the short term, while they would feel the negative effects of climate change in the long term. It is therefore difficult for elected politicians to address issues that are necessary for society in the long run, but burdensome for voters in the short run. Randomly selected representatives, on the other hand, do not have to pander to an electorate, special interests of donors, or party platforms and hierarchies to get re-elected (Courant, 2019, 211). They simply do not seek re-election.[16]

However, this advantage of lottocracy relies on a certain farsightedness on the part of randomly selected SILL members. They would not have to please the voters in order to be re-elected, but they would themselves have to live with the costs of the policies they decide to implement. Research in other areas has shown that many people are unwilling to accept short-term costs to achieve long-term benefits. For example, many people are unwilling to quit smoking and accept the short-term costs of withdrawal symptoms and self-discipline in order to obtain the long-term benefits of avoiding cancer (Chapman, 2005). At the same time, research on mini-publics has shown that citizens are indeed willing to agree to costly or controversial policy measures once they understand what is at stake and are properly informed about the potential long-term costs and benefits of different available policy choices. Ironically, elected politicians often obstruct such more radical, restrictive policy choices recommended by those who, as their constituents, would supposedly sanction their implementation.

For example, at the beginning of the French Citizens' Convention for Climate (CCC), only 51% of participants thought that reducing speed limits from 130 to 110 km/h would be a desirable measure to reduce greenhouse gas emissions (Apouey et al., 2019, 25). After deliberation, 60% of all participants supported this recommendation as a measure to combat climate change (Giraudet et al., 2022, 6).[17] However, President Macron and the elected parliament decided not to implement this recommendation of the CCC, arguing that it would further accelerate the Yellow Vest movements (Giraudet et al., 2022, 6,8). Similarly, the parliament weakened the ban on domestic flights proposed by the CCC. Instead of banning all flights that could be

[16]These advantages could also apply to other non-electoral systems such as dictatorships or monarchies. However, such *non-democratic* alternatives and the plausibility that they could produce desirable political outcomes will not be discussed in this thesis.

[17]With only 60% support, reducing speed limits was one of the least supported measures proposed by the CCC. Most of the other proposals received support of around 85% to 100% (Giraudet et al., 2022).

replaced by train journeys of less than 4 hours, Parliament agreed to ban only those flights that could be replaced by train journeys of 2.5 hours (Giraudet et al., 2022, 8). The decisions taken by Parliament were in several cases weaker than those proposed by the CCC, arguing that those citizens who did not participate in the CCC, that is the general electorate, would not approve of these strict actions. However, it is not clear that voters would have actually punished Parliament for these policies resulting from a Citizens' Convention in the way that elected politicians feared. Proponents of randomly selected citizens' assemblies argue that it is precisely the involvement of ordinary citizens and the similarity of participants to the general public that makes far-reaching political measures acceptable to them, even if they would oppose these measures if they were decided 'over their heads' by elected politicians.

On the other hand, policy decisions taken *only* by climate scientists would probably have gone even further than the Convention's recommendations. But to implement the decisions of scientific experts regardless of what citizens think would be closer to an epistocracy than a democracy. It may be tempting, especially on urgent matters with irreversible consequences, to follow scientific findings rather than democratic decisions. But this would require a thorough justification of where we want to bypass democracy in order to follow scientific advice. The aim of lottocracy is to find a middle way: to inform citizens about complicated matters and let them make informed decisions in the light of their personal preferences *and* scientific concerns.

The third fundamental advantage stressed by lottocrats –the advantage of *informed decision* making– is closely related to the point I have just made. It emphasises the advantage of informed rather than aggregate decision making. In this context, it is important to highlight the difference between *informed* citizens as decision-makers in a lottocracy and *uninformed* citizens as voters. Critics of voting stress that it is rational for voters not to invest too much time in informing themselves before voting, because the impact of each individual vote is minimally small. This phenomenon is known as rational ignorance (Somin, 1998). Thus, voters cast their votes on complex issues about which most of them are comparatively uninformed. Of course, in representative democracies, voters elect candidates rather than actual policy decisions. And it is those decisions that are complex. But in elections, voters express a set of values or a general tendency towards, say, conservative policies. So they elect politicians who will stand up for rather conservative policies. And that is a fairly general mandate. It means, on the one hand, that these politicians will support conservative options in many different policy areas. Even in areas where voters, after having studied an issue and possible policy choices in more detail, would come to support different choices. And this is supposed to be a crucial advantage of lottocracy. People would not have to subscribe

to a general set of values that would then be applied to a variety of different issues. And, most importantly, they will be properly informed about the consequences of their choices and possible alternatives *before* they make them. Research shows that many people change their political choices after learning about the consequences and alternatives of those choices. In particular, many people come to support less radical positions and are willing to compromise on decisions that they strongly opposed in their voting behaviour (Fishkin, 2018; Fishkin et al., 2021).

This advantage of informed decision-making is not primarily due to the lottery selection of SILL members, but rather to the specific design of the lottery process, which is based on expert advice and consultation with other SILL members. This particular design leads to the *epistemic* promise of lottocracy. Epistemic arguments for democracy stress that democracy is desirable if and insofar as it is "in a superior position to make use of available information and arguments in ways that advance the interests of the electorate" (Landa and Pevnick, 2021, 59). As noted above, lottocrats argue that the mere aggregation of individual, uninformed votes in most cases leads to suboptimal decisions, because policy decisions are too complex and voters are too uninformed or their opinions too biased to know the best decisions on complex policy issues. The single-issue focus of lottocracy has two epistemic advantages. First, it allows participants to become familiar with an issue about which they may have no prior information or preferences. Most citizens are ignorant about many political issues or have only 'phantom opinions', i.e. they have an opinion or preference on a particular issue, but this opinion is actually shaped by what they have read or heard in the media or from their peers, rather than reflecting what they would really think about an issue once they have acquired more background knowledge about it (Kinder, 1998). This is particularly problematic if what is reported as public opinion on the media is itself the result of a poll which, in turn, is often biased towards the opinion of those people who accept to participate in polls. Since voters are generally more likely to participate in polls then non-voters, opinion polls are likely to be representative of voters' opinions, not of societies opinions (Brehm, 1993, 96). At first glance, this seems to argue against giving ordinary citizens decisive political power. However, the combination of expert presentations, group deliberation and community consultation in lottocracy provides opportunities for the elected to become sufficiently and meaningfully informed, even on complex issues. The peculiarity of *single-issue* legislatures enables people to focus on *one* policy issue and invest the necessary time and effort to form an informed opinion on that one issue. Critics of the epistemic quality of elections argue that most citizens do not have informed or justified opinions on most policy issues because policy issues are too complex and highly information

intensive (Brennan, 2016). Many lottocrats share this concern, but they are not generally sceptical about citizens' ability to form informed opinions on complex issues. The focus on a single issue and the remuneration for holding office enable citizens to form a well-informed opinion on an issue, even if that issue is complex. In today's democracies, voters are not paid to vote. It is a civic duty that they perform in their spare time, in addition to all their private and professional responsibilities. It is therefore rational to invest as little time as possible in the act of voting. Given the insignificance of a single vote compared to the amount of information needed to make an informed, balanced decision, a rational cost-benefit analysis argues in favour of not investing much time in information before voting. In a lottocracy, the randomly selected would indeed be paid for their participation. So it would be their well-paid job to be properly informed. Lottocracy is based on the assumption that all citizens are capable of understanding complex political issues and provides them with the means to gather all the information and knowledge they need to make informed decisions. Reducing complexity by focusing on a single issue is a step towards this goal.

On the other hand, the single-issue focus has a second advantage for the overall quality of lottocracy, namely that it prevents the system from 'forgetting' certain important issues. Once a SILL has been introduced, it is the sole responsibility of that SILL to deal with that issue. In a generalist legislature, attention is often focused on the most pressing or timely issues, or those that increase the chances of re-election. The single-issue focus ensures that more general or fundamental issues are addressed and are not dominated by more urgent or prominent issues.

This *epistemic* advantage of informed decision making is intertwined with the fourth major advantage of lottocracy, which arises from the particular role of *deliberation* in the system. Deliberative democrats argue that political decisions should result from a careful exchange and weighing of reasons from different perspectives. Good decisions on most political issues are not externally given or objectively right or wrong, regardless of people's opinions about them. Instead, good policy decisions result from careful consideration of all the relevant perspectives and concerns on the issue. The lottocratic design is highly deliberative. It combines exchanges between scientific experts and ordinary citizens, as well as exchanges between citizens with very different backgrounds and opinions. The assumption is that this will allow the selected citizens to understand their fellow citizens and the complexity of the issue before making a decision. Again, this advantage depends in part on the single-issue focus of the lottery system, which gives people enough time and capacity

to form a well-informed opinion.[18] The benefits of deliberation are twofold. On the one hand, the involvement of randomly selected ordinary citizens ensures that many and diverse perspectives are included and considered. This increases the responsive quality of lottocratic decisions, because decisions are made not on the basis of what *politicians* think citizens need or want, but on the basis of what *citizens* actually think.

On the other hand, the deliberative process enables the participating citizens to know their *rational* preferences on certain issues. I mentioned above that we can distinguish between responsiveness to citizens' *expressed* preferences and responsiveness to *rational, informed* preferences. Rational preferences are those preferences that people come to have after learning all the relevant and substantial background information on an issue. On the other hand, expressed preferences are often 'unenlightened self-interest', they are insufficiently informed, influenced by biased information, or based on incorrect assessments of personal situations (Bartels, 2016, 150). For example, 73% of Germans consider themselves to be in the middle class. As such, they might oppose measures aimed at minimum wage earners. However, only 64% of all Germans actually belong to Germany's financial middle class (Consiglio et al., 2021). This means that more than 10% of those who consider themselves to be middle earners actually belong to the lowest income group in society. When they advocate middle class policies, they are *mis*representing their own interests. Thus their *expressed* preferences differ from their *rational* preferences, the preferences they should have in the light of their personal situation. Such *rational* preferences will be called *interests* in the following.[19]

The promise of the lottocratic process is this: lottocracy is supposed to combine expert input and deliberation with other citizens, both like-minded and different-minded. It is thus meant to enable all participants to discover their *rational preferences*. At the same time, the fact that the randomly selected citizens are assumed to be *descriptive representatives* and similar to

[18]This single-issue design is central to Guerrero's lottocratic proposal and is also present in most actual mini-publics and citizens' assemblies convened to deliberate on a specific issue. However, this advantage is lost in most proposals that combine elections and sortition and propose randomly selected assemblies as oversight committees or second chambers. If only one sortition chamber or oversight committee is elected to oversee all the political decisions of the elected parliament, this scrutiny will be comparatively superficial, as opposed to the scrutiny of an assembly that is charged with dealing in depth with only one issue and can form its own opinion on that issue. In order to fulfil the epistemic promise of lottocracy, such oversight committees would have to go through the same process as if they were making the decision themselves, before evaluating the decision of the parliament. This, in turn, would require several oversight assemblies specialising in different issues.

[19]See Section 3.3 for a detailed elaboration on the difference between subjective preferences and objective interests.

their fellow citizens in relevant respects such as demography, socio-economic status and ideology, is supposed to give all non-selected citizens good reason to accept the newly formed *rational* preferences of the selected counterfactually as the preferences they would have formed had they been in the same position. This claim is disputed by critics of lottocracy (Lafont, 2020; Lever, 2023a). I elaborate on this concept of *indicative representation* in Chapter 5. There I also discuss why Guerrero's claim that randomly selected representatives will help ordinary citizens know their *enlightened* preferences is not plausible, at least if the majority of citizens are not willing to participate in lottocracy.

Finally, an additional deliberative advantage of lottocracy arises from the involvement of scientific experts and other stakeholders with different perspectives. Without committing to any particular account of what makes for *good* policy outcomes, it seems uncontroversial that outcomes are good when they are informed by, or at least consistent with, facts about the world. In light of this, policy making that results from the best available information is better than policy making that is informed by false or biased information (Guerrero, 2014, 171). Given the intensive information provided to randomly selected citizens by a variety of experts, lottocracy is well placed to generate such well-informed decisions. Politicians and voters in contemporary electoral systems are vulnerable to capture and manipulation by private interests, media and social filter bubbles because they pay attention mainly to a selected range of sources (Gilens, 2012). Furthermore, party-based systems often encourage politicians to take rather radical policy decisions in order to sharpen their party profile. The explicit focus on diversity, both of experts and of selected citizens, prevents those selected from making decisions based on what their bubble thinks and forces them to engage with dissenting opinions. At the same time, lottocracy puts experts in the position of informing the general public, rather than a highly specialised or educated group of advisers or politicians. This puts them in a position to respond to the concerns and worries of ordinary citizens, concerns that they may not even think about in their specialised scientific work. This close link between real-world concerns and scientific evidence promises to produce policies that respond to citizens' real needs and concerns, rather than to what politicians think citizens' needs and concerns are.

Proponents of sortition-based systems argue that the financial dependence of parties and the demographic gap between elected politicians and their constituents increase the extent to which advisers speak in favour of special interests rather than the general public. However, they have yet to provide a convincing argument as to why the deliberative process of lottocratic assemblies should be less captured than the deliberative process of elected parliaments. Who is invited as an expert, the order in which opinions are

presented, and the rhetorical skills of speakers have been shown to influence decisions (List, 2004; Spada and Vreeland, 2013). In order to achieve the deliberative advantage defended by Guerrero, it is necessary to prevent the selection of advisers from being biased, captured or tendentious. If citizens no longer have mechanisms to hold their representatives accountable for whom they choose as advisers, the lack of public control over input into the political system becomes a problem for the democratic potential of lottocracy. I return to these concerns in Chapters 6 and 7. However, an appropriate mechanism for selecting experts and stakeholders with different perspectives is needed to reap the lottocratic benefits of diversified deliberation.

To summarise: Lottocracy and other sortition-based proposals are based on four main assumed advantages of sortition. Two of these are mainly related to the randomness of lottery selection and the abolition of elections. The other two stem from the epistemic and deliberative advantages of lottocracy, which arise from the single-issue focus and deliberative design of lottocracy. Firstly, the participation of random citizens is supposed to fulfil the ideal of political equality in an exceptional way and to select *descriptive representatives* who are *like* the people they are supposed to represent. Secondly, the abolition of elections has the advantage of allowing the focus to be on issues that are not conducive to re-election. Moreover, it is assumed to reduce the risk of capture because of the frequent turnover of representatives, the impossibility of promoting favoured candidates, and the better controllability of financial relations between politicians and private interests.[20] Third, it is argued that lottocracy supports epistemically valuable, informed decision-making. It enables citizens to be properly informed about complex policy issues, and it places decision-making in the hands of ordinary citizens who share, rather than merely anticipate, the needs and preferences of their fellow citizens. Moreover, the single-issue focus prevents the system from forgetting those issues that are not the most pressing or not conducive to re-election. Finally, the fourth advantage of lottocracy and sortition results from the placement of *deliberation* at the centre of the process. On the one hand, the involvement of randomly selected ordinary citizens is supposed to ensure that many and diverse perspectives are heard and considered. On the other hand, it supposedly enables citizens to know their rational, informed preferences on the issues at hand. Thus, the lottocratic system promises to generate policies that are *responsive* to citizens' *rational* preferences as well as *good* in the light of available scientific information and the needs and concerns of actual citizens. The promise of lottocracy is that ordinary citizens, properly informed and exposed to deliberation with like-minded and opposing citizens, will come to

[20]See Section 5.1, pp.104, for a discussion of the reduced risk of capture in lottocracy.

agree on such *good* and *responsive* outcomes. Conversely, elected politicians who are significantly different from those they are supposed to represent will not arrive at such good and responsive outcomes because they are captured by special interests and cannot be meaningfully held accountable by their constituents.

In the remainder of this thesis I will analyse how these particular advantages of sortition justify it as a desirable element of a democratic system. I will show how the features I have just highlighted may contribute to the attractiveness of random citizens as democratically legitimate decision-makers, both in terms of procedures and outcomes. To do this, we need a better understanding of democracy beyond elections. In other words, we need to understand what requirements a political system must meet in order to be considered *democratic,* what function is usually ascribed to elections, and consequently what requirements lottocracy must meet in order to be a viable alternative to electoral democracy. To provide the basis for this analysis, in the next chapter I present four necessary criteria of democracy.

Chapter 3

What is Democracy?

Abstract

Democracy is a system of *self-government*: it is rule *of the people, by the people, and for the people.* Many definitions of democracy consider elections to be a necessary element of democracy. However, I argue that elections are a means to the end of self-determination rather than a necessary element of democracy itself. In this chapter, I define the underlying values and goals that a political system must satisfy in order to be considered democratic. I will call them necessary elements of democracy. I begin by listing some basic elements of democracy. These must be present in any system to be considered democratic. However, they do not only result from elections and will therefore not be discussed in detail below. I then define four necessary elements of democracy that are usually associated with elections and that give citizens real control over how they are governed: political equality, legitimate political representation, political accountability and effective participation. I justify the importance of each of these elements and briefly describe how they are supposed to be realised through elections.

3.1 Democracy as self-government

In its most basic sense, *democracy* means self-government. The word 'democracy' is derived from the Greek term *demokratia* (δημοκρατια) and is composed of the words *demos*, the people, and *kratos*, rule or power. The core element of democracy is therefore that the people living in a state or jurisdiction *rule themselves*, rather than being ruled against their will or without their consent. For example the *Oxford English Dictionary* defines democracy as follows:

Democracy Government by the people;
esp. a system of government in which all the people of a state or polity (or, esp. formerly, a subset of them meeting particular conditions) are involved in making decisions about its affairs, typically by voting to elect representatives to a parliament or similar assembly;
(more generally) a system of decision-making within an institution, organization, etc., in which all members have the right to take part or vote (OED Online, 2021).

This ideal of self-government can be applied to different contexts: to a way of organising a state, of organising a government, or of making group decisions, even outside the political sphere. In this thesis, I am concerned with democracy as a political system, both as a form of government and as a way of organising a state. Democracy is understood as a form of government and not merely as a form of collective decision-making. In this political context, the ideal of self-government requires that people are governed and ruled only by their own consent (Cohen, 1996, 17). More specifically, I will focus on how the people living in a state govern themselves. I will refer to these people interchangeably as *citizens* and *people*. I am less concerned with how *a people* governs itself in a multinational context than with how the members of a people contribute to the governance of their state. In this context, democracy requires that a people govern themselves, which in turn requires that all the people of that state participate in deciding and directing how they are governed.[1]

Very different interpretations and justifications of democracy have been discussed. Some authors have focused on a minimal, procedural requirement of democracy as the selection and rotation of the ruling elite (Schumpeter, 1947), others on the absence of domination and the participation of all those subject to government (Dahl, 1998), and still others defend democracy as a highly inclusive and participatory system that ideally involves and educates all citizens of a state and is the necessary foundation for self-determination (Habermas, 1994).

A very general idea of democracy can be found in the famous expression of Abraham Lincoln (1863) that democracy is *government of the people, by the people, and for the people.* Such a very general, procedurally open understanding of democracy will be the basis for the analysis of lottocracy

[1]It is debatable whether some people, such as minors or foreign nationals, who currently do not have the right to vote in most states, should be entitled to political participation. The arguments for and against this are beyond the scope of this thesis. When I speak of *citizens* and *people*, I am referring to those who should be counted as members of the electorate in election-based democracy.

as a possible interpretation of democracy. This analysis will proceed along more elaborate elements of democracy: political equality, legitimate political representation, political accountability and effective participation. All of these contribute to the underlying goal of public control of government. Only if the people living in a state can actually control how they are governed can they be said to be *governing themselves.*

The right to self-government is not limited to the election and possible overthrow of a government. The fundamental aim of democratic processes is to give equal consideration to the interests of each member of a state (Cohen, 1996, 20). And in order to enable such equal consideration of all interests, some fundamental freedoms must be granted: freedom of conscience (including freedom of religion), freedom of thought and expression, and rights of person and personal property (Cohen, 1996, 19). According to Cohen, these freedoms, which he calls 'liberties of the modern', are not the result of democratic processes. Rather, they are constraints on democratic processes. Without such freedoms, democracy becomes impossible. People cannot govern themselves if they are not free to think and speak as they wish. However, democratic processes can lead to decisions that restrict these fundamental freedoms that make democracy possible. For example, citizens may vote in free, fair and democratic elections to elect a government which then –with their consent, so to speak– restricts their personal freedoms. Ideally, democratic processes, especially political education and awareness in a democratic society, should be such that such conflicts between democratic values and democratic choices do not arise. However, what Cohen calls the liberties of the moderns are conditions for democracy, not results of democracy.

Therefore, these underlying freedoms will not be discussed further in the remainder of this paper. Such freedoms must be granted in order for a lottocratic system to be a properly functioning, free and valuable democracy. But, so I will assume, such freedoms do not come about through elections. By abolishing elections and replacing them with another supposedly democratic participatory mechanism, sortition, the fundamental freedoms of thought, speech and assembly remain unchanged. The assumption will be that there will be no more restrictions on these freedoms in a lottery democracy than there would be in an electoral democracy.

Purely procedural accounts of democracy face the problem that restrictions on personal liberties may legitimately result from democratic processes. More substantive accounts of democracy, on the other hand, emphasise that the freedom of those in power, i.e. political freedoms, must be limited in such a way that they cannot take away or interfere with the fundamental freedoms mentioned above. Separation of powers, checks and balances between different parts of the government and an independent constitutional court, among

other things, are supposed to prevent decisions and changes in legislation that restrict fundamental freedoms. Again, such a division of power and a system of checks and balances between different institutions are not the result of elections. They are institutional requirements that we want to see realised in an ideal democracy. They are designed to ensure that all citizens can truly participate equally and influence how they are governed. They are constitutive elements of democracy rather than outcomes of democracy (Cohen, 1996, 19). And they will not be discussed further below.

I assume that lottery-selection can only be considered as a democratic alternative to elections if they do not interfere with the separation of powers and the checks and balances between the legislative, executive and judicial institutions. But these constraints would not be removed by replacing elections. Presumably, they would remain in place in lottocracy, but only the way in which political representatives are chosen would change. The provision of basic personal freedoms, the separation of powers and the checks and balances of state institutions are considered necessary elements of a democratic political system. However, since these are preconditions for democracy rather than the outcome of elections, they will not be discussed further in the remainder of this thesis.

Another aspect of democracy that will not be discussed further is *majority rule.* Lottocracy is based on the process and ideal of deliberation, but it does not claim or aim to achieve consensus on all policy issues. The aim would be to find policy decisions that are acceptable to a *majority* of citizens. As in current election-based democracies, no minority should be able to make decisions that go against the will of the majority. Therefore, decisions in the lottocratic assembly would be taken by majority vote. Whether or not some decisions should require super-majorities, as in current systems, requires further discussion. But I will leave that question aside for now. Suffice it to say that the democratic principle of majority rule, as opposed to minority or unanimity rule, is preserved in lottocracy.

Many discussions of democracy, especially by proponents of lottocracy who criticise existing democracies, conflate *ideal* and *actual* democracy without drawing a clear line between the two (Dahl, 1998, 28). Much of the criticism of election-based democracy concerns the *actual* implementation of democracy. Corruption, ill-informed voters, and unequal distribution of influence correlated with personal wealth, for example, are not elements of an ideal democracy. Yet they are the motivation for lottocratic proposals which, its proponents argue, would be better able to respond to these real-world challenges. Many critics of lottocracy question whether lottocracy could actually outperform electoral democracy in the real world. Since lottocracy is not practised or implemented anywhere, and most citizens' assemblies have

no decisive power, the assessment of these critics can only be speculative. We cannot know how lottocracy actually works in the real world. However, the *ideal* of democracy helps us both to evaluate *actual* democracies and to evaluate proposals to *change* political systems. I will do the latter. Rather than engaging in speculation about the actual performance of lottocracy, this thesis focuses on a more conceptual analysis. It examines whether lottocracy, in its ideal implementation, could justify democratic ideals at all. In a next step, we would then have to implement measures to protect lottocracy from the influences we criticise in actual democracies. And since lottocracy is not practised anywhere as a form of government, much of what is said will have to remain at this idealised level. But if lottocracy fails to meet the necessary elements of democracy usually ascribed to elections, we may not need to discuss the proposal at all. We want to improve democracy, but we clearly do not want to replace or weaken it. In the remainder of this chapter I set out four necessary elements of an ideal democracy. These four elements are usually associated with elections, but they are intended to realise the overarching democratic ideal of self-government: political equality, legitimate and equal representation of all interests, political accountability between rulers and ruled, and effective participation of all citizens. Throughout the rest of the thesis, these four desiderata of democracy will be the threshold for analysing the democratic potential of lottocracy.

3.2 Political Equality

All human beings are morally equal. This is not only one of the most fundamental assumptions of the Declaration of Human Rights, but also the basis for many considerations in moral theory. In the political realm, the equal moral standing of all human beings is expressed in the demand for political equality of all members of a state. It is one of, if not the most fundamental principle of democracy that *all* citizens enjoy political equality.[2]

[2]This is not to say that only citizens of a state deserve such equal treatment. However, I cannot discuss here the arguments for political rights for non-nationals. The scope of political equality has expanded over time. Initially, the right to equal political participation was granted only to white males of a certain social class. Over time, the right to vote has been extended to non-whites, people of all educational backgrounds and women. In recent years there has been increasing discussion of extending the franchise to children and minors (Lau, 2012; Umbers, 2020b; Brando, 2023) or even to animals, at least in matters affecting them and through human representatives (Motoarča, 2023). Such plausible extensions of the demos, however, do not affect the justification of lottocracy as democracy. Therefore, I will not comment below on possible desirable extensions of political participation. For the sake of simplicity, I will confine myself to considering the political equality of all citizens of

The claim to self-determination, which is the ultimate goal of democracy, can only be fulfilled if everyone's interests are considered equally in political decision-making. Political systems which meet the basic requirements of political equality will be referred to hereafter as politically egalitarian.[3]

Equality is a tripartite relation. Equality exists between two agents or objects A and B with respect to some aspect C. The claim to political equality requires further specification of which C we talk about, that is with regard to *what* two or more agents should be equal. Most debates about egalitarianism are less concerned with whether people are or should be equal, but rather *with regard to what* they should be equal (Cohen, 1993; Dworkin, 2000; Sen, 1980). Such potential *metrics* of equality include equality of welfare, equality of opportunity, equality of resources, or political equality. In the context of lottocracy, we will be concerned with the latter – political equality.

Political equality is an essential element of democracy. A political system that does not meet the requirement of political equality cannot be considered democratic. However, there are many different interpretations of exactly what political equality is and what it should achieve. In the fundamental democratic sense of self-government, political equality requires that *all* citizens can participate in the political process of self-government and are equal in terms of political power and influence. It is also an essential democratic requirement that all citizens have the same rights and duties, and are treated equally by the police, the judiciary and all other state institutions.[4]

Election-based democracy is politically egalitarian in that it regards every citizen as equally capable and equally worthy of political participation by giving everyone the same right to participate in political decision-making. Other political systems, monarchy, aristocracy or dictatorship, are essentially

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a state who are currently eligible to vote.

[3]Equality is also claimed to be necessary in the context of distribution (distributive egalitarianism), especially as regards welfare, opportunity and happiness. In addition, relational egalitarians stress the importance of relating to others as equals and analyse how this requirement can be met. All of these metrics of equality partly overlap with political equality or have implications for how we should understand it. However, I cannot discuss these different egalitarian theories here and will limit myself to *political* equality in the following.

[4]In the context of state institutions, the claim to equality may in some cases actually require *unequal* treatment of people. For example, the right to equal participation in public life may require that a disabled person receives financial support for a wheelchair or a personal assistant. In effect, they receive more transfer payments from the state than other people, but this unequal treatment is justified by the objective of equality of outcome. However, such cases are mainly associated with the domain of distributional rather than political equality. For the sake of simplicity, I will not distinguish between cases of *equal* treatment and cases of *unequal* treatment with the aim of equality. I will refer to both as *egalitarian*.

non-egalitarian in this dimension: in these systems, few people have access to political participation, most people have no influence on political decisions, and people are often treated unequally by the state.

Despite the equal distribution of the franchise, some election-based democracies are inegalitarian on other dimensions of political equality. For example, high financial hurdles to actually assess political office are often assumed to undermine one relevant aspect of political equality. Moreover, a country where everyone has equal suffrage but is not treated equally before the law will not be considered politically egalitarian. Many existing democracies are suboptimal on some interpretations of this ideal and perform well on others. In what follows, I present three main justifications for the need for political equality in democracy: one intrinsic and two instrumental. I do not endorse any of them as the best or most relevant, but they shall serve as a template against which I will evaluate lottocracy in terms of political equality.

In order to group these dimensions of political equality more systematically, it is helpful to consider the reasons that justify the claim to political equality in the first place. Two main sets of reasons are used to justify why a desirable political system should be egalitarian. On the one hand, *intrinsic* arguments for political equality stress that the equal moral standing of all people requires that a political system express the belief that all citizens are morally equal. On the other hand, the need for political equality in democracy is justified by *instrumental* arguments. Instrumental arguments stress that the quality of decisions and the acceptability of those decisions increase in egalitarian systems. I cannot do justice to the extensive literature that justifies and discusses these two lines of argument. I will limit myself to a brief introduction of both, in order to pave the way for an analysis of lottocracy along different aspects of political equality. I begin with considerations of the intrinsic value of equality in democracy.

The *intrinsic* argument for political equality is based on a fundamentally *moral* kind of equality. The belief that all people are morally equal justifies that they should be considered equal in the political system. Giving everyone an equal vote is a way of expressing the fact that every citizen is considered morally equal and deserving of and capable of political participation. This belief that all people are of equal moral worth and therefore deserve equal participation is an essential idea of democracy and will be considered here as irrefutable. Any system that does not recognise the equal moral standing of all people will not be considered democratic here. Political equality is *intrinsically valuable* because it expresses the *moral equality* of all people. Giving all people equal power and equal influence over political decisions may not increase the actual quality of political decisions or even cause certain disadvantages. Having all citizens make a decision is often costly and time-

consuming and might reduce the epistemic quality of decisions (Brennan, 2016). Nevertheless, the very fact of granting political equality to all people is valuable. This belief lies at the heart of the *intinsic* justification for political equality. Any egalitarian political system, such as democracy, must live up to this claim and express the deep conviction that all citizens are of equal moral worth. I will refer to this as the *expressive* dimension of political equality, the fact that a political system recognises the equal moral status of all citizens and *expresses* this conviction by granting equal participation and equal civil rights to all. However, the question of how to make this ideal a reality in a living democracy remains open. In Chapter 4, I analyse if and how lottocracy fulfils the *expressive* requirement of political equality.

In addition to the moral justification for political equality, there are practical, *instrumental* reasons for political equality in the sense of equal participation in political decisions. On the one hand, involving everyone equally increases the acceptance of such decisions. Even people who disagree with the final decision have reasons to accept it if they have participated equally in the decision-making process. Equality guarantees the fairness of the process. And that fairness is itself a reason to accept the final decision. This is the *procedural* justification for equality (Christiano, 1996b). I will call this the *acceptability* dimension of political equality.

On the other hand, the participation of all those affected by a decision increases the epistemic quality of that decision. A political decision is considered *epistemically* valuable if it is

> in a superior position to make use of available information and argument in ways that advance constituents' interests. (Landa and Pevnick, 2020, 14)

Including as many opinions and perspectives on an issue as possible makes it more likely that everything relevant to that decision has been heard and considered (Landemore, 2013, 97). Especially in the context of democracy, involving all citizens in the decision-making process makes it more likely that the final decision will reflect what is in the best interests of those people. Involving fewer people in a decision may result in decisions that ignore the specific needs or desires of some people. This is the *epistemic* dimension of equality. Both the procedural and epistemic benefits of including everyone in political decision-making provide *instrumental* reasons for political equality.

According to instrumentalists, democratic systems are better able to generate *good* political decisions than alternative political systems. This distinctive quality of democratic decisions derives from the unique feature that democracy involves *everyone* in decision making. This inclusive process leads to decisions that are epistemically superior and procedurally valuable.

Based on this inclusive understanding of epistemic quality, decisions are often *better* –in the sense of better meeting the diverse needs of those affected, or being smarter– if they are made by those affected by them, taking into account as many and as diverse opinions as possible.[5] However, the question remains as to how the fairness and epistemic dimension of equality can be brought to life in an actual democratic system.

With respect to the intrinsic and instrumental justifications of political equality, we can now summarise that political equality can be justified as a necessary element of democracy for three reasons: (i) On the intrinsic account, it should regard every member of that state as *morally equal.* Satisfying this requirement of moral equality is of *expressive* value in showing that a political system recognises the moral equality of all its citizens. (ii) On the procedural account, political equality requires that everyone is equally involved in the decision-making process. Political equality is thus also a matter of fairness. Involving everyone in a fair and inclusive process increases the *acceptability* of outcomes that are contrary to one's personal will. (iii) On the *epistemic* account, political equality requires that the opinions of all citizens be given equal consideration in order to benefit from the diversity of society and the corresponding diversity of perspectives. The equal participation of all citizens should increase both the objective quality and the responsiveness of political decisions to the particular interests of a society.

Many writers have discussed these egalitarian benefits of democracy and pointed out why some of them are arguably more important than others. This thesis will not attempt to settle that question. Instead, Chapter 4 discusses the extent to which lottocracy fulfils the ideal of political equality in terms of the three dimensions just identified – that is, expressing the moral equality of all citizens, making decisions in a fair and therefore acceptable process, and exploiting the epistemic advantage of involving all citizens.

3.3 Political Representation

Political representation is only a necessary element of democracy when we speak of *representative democracy,* as opposed to *direct democracy.* The aim of democracy, or democratic decision-making more generally, is that *everyone* has a say in the decisions to which he or she is subject. In representative

[5]Defenders of non-egalitarian but nonetheless epistemic accounts of democracy oppose this view. They argue that decisions are wiser if they are made only by particularly qualified or capable people. For example, Brennan (2016) suggests that citizens should only be allowed to vote if they pass a competence test. However, these arguments go against the essential intrinsic value of democratic equality and will not be discussed further here.

democracy, as currently practised, this ideal is realised through the *election* of politicians who then represent the opinions of their constituents in the final decision. Here, elections are used to ensure that everyone is equally represented. In *direct* democracies, however, elections are not a necessary element of democracy, at least not elections of politicians.

In what follows, representation will be seen as a necessary element of democracy. On the one hand, because representative democracy has practical and epistemic advantages over direct democracy. On the other hand, lottocracy would be a representative rather than a direct political system. It is therefore valuable to establish what concept of political representation promotes the democratic ideal of self-government. I begin by briefly justifying the advantages of a representative system over direct democracy. I then explain why, in the rest of the thesis, political representation is understood as equal representation of *informed preferences.*

In a sense, the question of whether elections are necessary for democracy is trivial: in direct democracies, the ideal of self-government is realised without elections, at least without the election of politicians. In direct democracies, people can still vote, but they vote on specific political decisions rather than voting for people and parties to represent them. No state today is organised as an exclusively direct democracy, which would require that *all* decisions be taken directly by the people, not by elected representatives. However, some states use mechanisms of direct democracy and allow the people to make some political decisions directly through referendums or popular votes. These democracies, such as Switzerland, are called *semi-direct* democracies. Although citizens have a direct say in *some* policy decisions, the vast majority of policy-making is handled and decided by *elected* politicians.

Advocates of direct democracy argue that the democratic ideal of self-government is only realised when everyone has a real say in decision-making. The equal *representation* of all, it may seem, is only a second best to the equal active participation of all. However, there are practical and epistemic reasons for *representative* rather than direct democracy. Three main reasons justify this choice.

Firstly, most countries are simply too big to make direct democracy work. Involving everyone actively in a decision requires that everyone votes on every single issue. For such decisions to be informed and meaningful, sufficient information must be distributed in advance, people must be given the opportunity to vote, and a large number of votes must be counted for each decision. Although modern technology could make such processes technically feasible, the transaction costs would be immense. Second, delegating political decision-making to only a few representatives is a division of labour that allows everyone else to do other things. In a purely direct democracy, where all

decisions are made by all and ideally debated thoroughly beforehand, everyone has to spend a lot of time participating in political decision-making. Finally, representative democracy has epistemological advantages because it allows for more considered decision-making. The people who make the decisions have enough time and information to consider all possible alternatives thoroughly and to make informed decisions on complex policy issues.

Lottocracy and other sortition-based political systems are *representative* systems. In order to answer the question of whether lottery selection is a recommendable method of electing political representatives, it is first necessary to clarify what the goal of political representation is. In what follows, I argue that desirable representation should be understood as the promotion of citizens' informed preferences.

Although political representation is an almost ubiquitous concept, there is no agreement on what exactly the *aim* of political representation is and what constitutes *good* political representation. While it is widely agreed that representation should mean acting *on behalf of* those represented, different interpretations of what it means to act 'on someone's behalf' have been put forward. Pitkin (1972) provides a thorough analysis of the concept of representation and argues that *political* representation is a complex combination of formalistic, descriptive, symbolic and substantive representation. The *formalistic* aspect of representation refers to the fact *that* and *how* someone is formally authorised to act as a representative. Elections are one such formal authorisation. Lottery selection might be another. The *descriptive* aspect of representation refers to the fact that a representative *stands for* the represented person, that is, that she is *like* the represented person in certain respects. Descriptive representation usually refers to dimensions such as age, gender, race, educational background or wealth. It is often assumed that the descriptive representation of such characteristics can also lead to the representation of less visible characteristics, such as sharing the same attitudes or needs. I discuss this assumption in detail in Section 5.2. The *symbolic* aspect of representation also describes something as standing for something else, but in a more metaphorical sense. For example, a pictogram of a tent on a map *stands* for or *represents* a campsite. But this pictogram is not descriptively representative. It symbolises a campsite, but it does not help us to understand what the campsite is like. Another aspect of symbolic representation is that it can be of symbolic importance that some people or their interests are represented. In such cases, the fact that someone is represented sends a certain message to the person represented or to other people. Finally, *substantive* representation describes the fact that an agent A stands up for the interests of another person or group B, regardless of how A was selected or authorised, and even if A is in no way related to the

represented. We often say that an agent A represents another person or group B, even though A has not been formally authorised to do so and is not descriptively similar to B. For example, a white male political activist who campaigns for the rights of disabled black women has not been authorised by those people and is not descriptively representative of them (at least in terms of the most obvious categories). However, such an activist can still represent the interests of those people *substantively*. Similarly, an elected politician should ideally represent her constituents substantively, but she would also represent them formally because she is authorised to do so. We can analyse any representative at least in terms of these four dimensions: the formalistic, the descriptive, the symbolic and the substantive. Different agents can be *representative* with regard to different and multiple of these dimensions.

Based on these multiple dimensions of representation, Pitkin stresses that political representation cannot be explained by any one of them in isolation, but is in fact a combination of all of them: Political representation means

> acting in the interest of the represented, in a manner responsive to them. The representative must act independently; his action must involve discretion and judgement; he must be the one who acts. The represented must also be (conceived as) capable of independent action and judgement, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, that conflict must not normally take place. The representative must act in such a way that there is no conflict, or if it occurs an explanation is called for. He must not be found persistently at odds with the wishes of the represented without good reason in terms of their interest, without a good explanation of why their wishes are not in accord with their interest. (Pitkin, 1972, 209)

This characterisation entails three important insights about political representation. First, political representation is acting *in the interest* of the represented, in a manner *responsive* to them. Second, political representation requires the representative to act *independently.* Thirdly, political representation also requires that the people who are represented are seen as capable of acting *individually.* They should not be considered unable to act for themselves. Political representation does not mean acting for someone who is incapable of acting. Instead, the represented should be perceived as *trusting* but still *observing* their representatives.

The first sentence of Pitkin's definition touches on the root of the complexity of political representation: the claim that representatives should act 'in the interests of the represented, in a manner responsive to them' is more

complex than it seems at first sight. On the one hand, it is not exactly clear what a person's *interests* are. On the other hand, different understandings of *responsiveness* have been proposed. Both concepts are essential for defining what exactly we expect from political representation. I will therefore discuss each in turn.

A central discussion about good political representation revolves around the question of what should be represented: the *preferences* or the *interests* of people (Christiano, 1996a, 44). On the basis of the interpretation we advocate, different forms of selecting representatives are advisable. The distinction between preferences and interests is a rather vague concept, but it is central to the selection and evaluation of political representatives.

Preferences are the subjectively held and expressed attitudes of one individual with regard to a certain topic.

On the other hand,

Interests are what objectively advances a person's well-being.

Individual members of society have both preferences and interests regarding an issue. Ideally, preferences and interests coincide. In this case, a policy decision that is consistent with an individual's expressed preferences will also advance his or her objective interests. In many cases, however, an individual's preferences and interests differ on the same issue. For example, someone might have a *preference* for closed borders and strong immigration restrictions, and express this preference in their voting behaviour and political activism. However, a different policy measure might in fact be better suited to their *interests*. In the case of closed borders, it may be that the implementation of looser immigration laws actually reduces labour shortages and thus stabilises the pension system. However, most people would probably not feel adequately represented by someone who acted against their expressed preferences on the grounds that she was advancing their –ignored or unknown– interests.

The concept of interests is commonly used in discussions of political systems and individual welfare. However, it is not entirely clear how these objective interests can be known (Dovi, 2018). Christiano, for example, describes interests as

> a component of a persons overall well-being, meaning that someone is objectively better off if her interests are advanced. Interests can be attributed to a person whether or not she believes them or is convinced to have them. Interests, unlike judgements, cannot be correct or wrong. (Paraphrased from Christiano, 1996a, 44)

The assumption that there are such things as *objectively better* policy choices is a central claim of *epistemic* conceptions of democracy. In contrast to merely *procedural* conceptions of democracy, epistemic, or *substantive,* accounts hold that the aim of democracy is not merely to aggregate individual opinions, but to find decisions that make as many people as possible objectively better off. To emphasise the promotion of interests as the aim of political representation is to accept that democracy aims at more than the mere aggregation of individual, potentially uninformed, opinions. Assuming that the aim of democracy is to advance objective interests, we agree that it is not only procedural equality that qualifies a desirable political system. Rather, what we aim for with democratic decision making are *procedurally fair,* but *epistemically valuable* decisions (Landemore, 2013; Guerrero, 2021b).

In this respect, lottocracy is based on an *epistemic* concept of democracy. It promises to involve a diverse group of citizens in such a way that the interests of society can be better known and advanced than through the mere aggregation of individual preferences. This assumption, however, poses a challenge to the concept of political representation: Can a decision be democratic because it advances the objective interests of citizens without taking into account their expressed preferences? A system that advances only objective interests, regardless of what people actually think, seems to be what has been called an epistocracy or a technocracy rather than a democracy (Brennan, 2014). However, the concept of representation as the advancement of interests presupposes to some extent that political questions are questions of knowledge to which objectively valid and correct answers can be found (Pitkin, 1972, 211). Thus, the claim for representation as the advancement of interests is essentially based on an epistemic understanding of democracy: that there are epistemically superior political decisions, and that representative democracy is desirable *because* (and in so far as) it is able to find them.

But policy questions are not just questions of knowledge; they can hardly ever be solved by experts providing the right answers. Political decisions depend fundamentally on the value commitments of society. Although there may be some objective dimension to political decisions, a decision cannot be objectively good regardless of how it corresponds to the values of citizens. That a society values liberalism or social equality more is not a question of right or wrong. A policy that is best for people who inherently believe in free markets may not be best for people who value social equality. Neither is wrong, but a decision that advances the interests of members of one society may not advance the interests of another society in the same way. On such an account, political decisions are not just a matter of objective expertise, but also require some consideration of the specific characteristics of the people who are bound by them. Thus, even if we postulate, on a more epistemic

account of democracy, that the aim of political representation is to advance citizens' interests, a desirable selection mechanism for representatives must ensure that the interests identified are consistent with a society's subjective values.

Related to this discussion of preferences and interests is a second aspect of political representation: the question of what representatives should *respond* to. According to Pitkin (1972, 209), representation should be 'acting in the interest of the represented, in a manner responsive to them.' Responsiveness in this sense means acting on people's interests. However, other authors have a different understanding of responsiveness. For example, according to Manin, Przeworski and Stokes,

> a government is 'responsive' if it adopts policies that are signaled as preferred by citizens. These signals may include public opinion polls; various forms of direct political action [...] and, during elections, votes for particular platforms. Hence, the concept of responsiveness is predicated on the prior emission of messages by citizens. (Manin et al., 1999, 9)

To distinguish clearly between responsiveness to informal expressions of preferences, for example in opinion polls and demonstrations, and explicit and legally binding expressions of preferences in elections, Manin et al. (1999, 10) use the term 'mandate responsiveness' to refer to the latter. A similar understanding of responsiveness is used by Pettit (2010), who characterises responsiveness as meaning that a representative is

> responsive to my wishes as to how the job should be done: someone who will serve as my deputy. (...) [Here, responsiveness presupposes] a relationship in which I can make those wishes known and exercise some control, say by having the representer consult me. (Pettit, 2010, 427)

However, restricting the notion of responsiveness to action on expressed preferences neglects an important aspect of political representation: namely, that political representatives are not bound to act as they are instructed, but that they are independent agents whose task is to act on behalf of their constituents. One reason for electing representatives in the first place is that they have more time to inform themselves, to make a well-informed decision, and they may also be more qualified or competent in certain respects. Political representatives are supposed to take decisions that are good for their constituents, but these may differ from what their constituents express as

their preferred actions.[6]

To express this difference, throughout this thesis I will distinguish between *preference responsiveness* and *interest responsiveness*.

Preference Responsiveness Policies that are in line with citizens' expressed preferences, i.e. that respond to formally or informally expressed opinions and attitudes, are *preference responsive*.

Interest Responsiveness Policies that promote the objective well-being of citizens, i.e. make them objectively better off, are *interest responsive*.

Thus, policy decisions may be *responsive* in a sense –responsive to interests– even though they conflict with expressed preferences. Ideally, policy decisions should be representative in a dual sense, i.e. representative of both preferences and interests at the same time. And the difference between these two foci of responsiveness reveals the importance of communication in the representative relationship: a person will not feel represented if someone acts against her expressed will without explaining the reasons for that action. Without communication, representation can be responsive to interests but against preferences. With good communication, representation can promote interests and inform people in such a way that their *updated preferences* are in line with their interests. Mansbridge, for example, describes people's interests as their 'enlightened preferences' (Mansbridge, 2003, 517).

It is precisely this difficulty that Pitkin addresses in the last part of her definition of political representation, where she emphasises that conflict between representative and represented about the right course of action 'should not normally occur' and, if it does, 'an explanation is required'. Thus, political representation also entails a duty to justify representative action to the represented. Ideally, such justification should lead to an alignment of the interests and preferences of the represented so that they feel represented when their representatives advance their interests rather than their preferences. Nevertheless, any political system that focuses on promoting the interests of citizens over their expressed preferences runs the risk of being perceived as an epistocracy or technocracy rather than a democracy. Epistemic conceptions of democracy claim that democratic decisions should be substantively good, not mere aggregations of individual preferences. Nevertheless, democratic decisions cannot be paternalistically imposed on people against their will. The

[6]Some authors distinguish between *responsiveness* and *representativeness* to express this difference, others between *responsiveness* and *responsibility*. For a detailed elaboration of different interpretations of the term 'responsiveness' and desirable political representation, see Manin et al. (1999).

task of a good political representative is therefore to listen to the preferences of her constituents, to learn about their interests, and to promote those interests in such a way that the represented feel represented. But if the represented do not come to accept the supposed interests as their interests, then a democratic representative should not act against their will.

The remainder of the thesis therefore adopts a more modest but still epistemically demanding conception of political representation: namely, one that promotes *informed* preferences. On this reading, good political representation is not an unreflective response to uninformed preferences. But it is also not acting against people's will by advancing some objective interests to which they cannot relate. Instead, good political representation should advance citizens' interests, but only to the extent that people can come to support it as representing their will. A good political representative is concerned with advancing the interests of her constituents while enabling them to update their preferences in the light of what they learn about objectively good choices.

In what follows, desirable political representation is understood as a middle ground between mere aggregate preference-responsiveness and detached epistemic interest-responsiveness:

Political Representation ideally means promoting the objective interests of citizens in such a way that they feel represented and, ideally, adjust their subjective preferences accordingly. Good political representation should respond to citizens' *informed* preferences, but should not act against their expressed will.

According to this understanding, the aim of political representation is to promote the objective interests of citizens only to the extent that people would support the decisions in question. For example, if smokers prefer to smoke even though this is against their objective interests, and they are put in a position to learn about all the negative side effects of smoking, the health risks, the high costs, and a range of options for quitting, and they still express a clear preference not to quit, then *democratic* representation must act on these *informed* preferences, not on their interests against their expressed and informed will. Thus, democratic political representation requires listening to citizens' expressed preferences, knowing their needs and living conditions in a way that their objective interests can be known, and promoting policies that respond to those preferences that people would hold or support if they were properly informed. Good political representation should be both epistemically valuable and responsive.

Pitkin's analysis of political representation includes a second important aspect: the independence of the representative from instructions from the represented. A representative is not supposed to consult the represented

on every decision. He is supposed to act on behalf of the represented, not on instructions. Indeed, the constitutions of some countries explicitly state that political representatives are free from instructions and subject only to their own conscience. Moreover, political representatives are not obliged to promote the interests of their constituents alone, but are supposed to promote the interests of the nation as a whole (Pitkin, 1972, 216).

Finally, Pitkin's description of political representation also alludes to the status of the represented. The represented is not to be understood as incapable of political action. Representation does not mean acting for someone because they are incapable of acting for themselves. Rather, political representation is the pragmatic and economic consequence of the fact that the active participation of everyone in political decision-making would be impracticable, both for logistical reasons and in terms of ensuring informed, epistemically valuable decisions.

In summary, I pointed out that a representative system has advantages over direct democratic systems because it is more practicable and better able to make informed decisions. The aim of representation is to make present those who are not actively present. And although an intuitive interpretation of this claim might be to represent people's *preferences*, I argued for a more *epistemic* interpretation of democracy, according to which the aim of representation is to find objectively valuable decisions that ideally advance people's *interests*. Nevertheless, democracy cannot ignore public opinion altogether. Instead, the aim of a representative system must be to find a way of keeping people in the loop, taking into account their individual preferences, promoting their interests, and *educating* them about the decisions taken in such a way that ideally their *informed preferences* are in line with the decisions that promote their *interests.* Therefore, in the remainder of this thesis, I will assume that a desirable representative system needs mechanisms for (i) knowing what citizens' preferences are, (ii) finding out what their more objective *interests* are, and (iii) communicating decisions to citizens in such a way that they can understand why some decisions may have been taken against their expressed preferences, but instead based on their informed preferences. Policies that respond to expressed preferences are called *preference responsive,* policies that respond to informed preferences are *responsive to informed preferences,* while policies that promote objective interests are called *interest responsive*. Ideally, informed preferences and interests become aligned via political representation.

3.4 Political Accountability

In representative democracies, a few political representatives are empowered to act on behalf of the entire citizenry. In order to ensure that politicians live up to this mandate and do not use the power entrusted to them in ways that do not advance the interests of the supposedly represented, mechanisms of accountability are needed. Such mechanisms of accountability are designed to solve problems related to the delegation of power and responsibility. Indeed, they are intended to ensure that delegated or empowered agents use their power in accordance with the expectations of the principals (Palumbo, 2010; Przeworski et al., 1999). In this context, *public* accountability refers to a variety of principal-agent relationships in the public sector, for example the accountability relationship between political representatives and voters, but also the accountability between judges or other public officials and the population. In the following, I will be concerned with *political* accountability, that is, the accountability relationship between political representatives and the represented citizenry. More specifically, I analyse the accountability relationship between the lottery-selected members of the lottocratic assembly and their fellow, non-selected citizens. Other levels of political accountability that are often discussed and will need to be considered at some point in the context of lottocracy are: (1) accountability between the legislature and the executive, i.e. the relationship between political representatives (the members of the lottocratic assembly) and the government; (2) accountability at the ministerial level, i.e. the relationship between the ministry and the minister; (3) accountability between appointed, external contractors and the commissioning political actor, e.g. a ministry (Palumbo, 2010, xviii). The last two of these dimensions in particular will be crucial for the lottocratic proposal, since it remains to be specified how bureaucratic capture and other illegitimate mechanisms of influence and control at the organisational level can be prevented (Owen and Smith, 2018; Landa and Pevnick, 2021). Nevertheless, as a first step towards justifying lottocracy as a democratic alternative to election-based democracy, I will limit myself to considering the form of accountability that is usually supposed to be established through elections: the accountability relationship between political representatives and the represented constituents.

The basic idea of this kind of political accountability is that the existence of an accountability relationship causes political representatives to act on behalf of their constituents, that is, in their interests.[7] To achieve this goal, political

[7]Note, again, the difference between *interests* and *preferences*. A representative might indeed be promoting her constituents' *interests*, but that constituents do not feel *represented* because their *preferences* differ from their *interests*. Since lottocracy aims at a more

accountability is often assumed to involve a system of checks and balances so that representatives can be sanctioned if they fail to act in the interests of those they represent. Remember that Guerrero (2014) explicitly criticises that elections are insufficient to establish meaningful accountability between elected and represented and that therefore elected politicians fail to bring about *good* and *responsive* policies. A standard account of accountability in the political realm that captures this interpretation is as follows:

Accountability A is *accountable* to B if two conditions are met:

(i) A is obliged to act in some way on behalf of B

(ii) B is empowered by some formal institutional or perhaps informal rules to sanction or reward A for her activities or performance in this capacity. (Fearon, 1999, 55)

Other theorists see political accountability as a matter of degree, a continuum between two pillars of accountability: *answerability* and *enforceability* (Schedler, 1999). The word itself – accountability – refers primarily to the act of explaining and justifying one's actions, of *giving an account* of why one has behaved as one has. In other languages this is even more obvious. The German term 'Rechenschaft ablegen' and the French translation 'rendre compte' express this even more clearly (Mansbridge, 2019). In these expressions, the focus is more on *answerability* than on enforceability and potential sanctions.

According to such more nuanced interpretations, political accountability involves at least four dimensions: reporting, justification, apology and punishment (Palumbo, 2010, xx). In order to allow for a meaningful assessment of politicians' past behaviour, mechanisms are needed to record how politicians have behaved (reporting), to provide explanations for this behaviour (justification), to provide space to admit mistakes (apology) and, finally, to allow for sanctioning unresponsive behaviour (punishment). Political decisions are not black and white; in most cases they are not clearly right or wrong. In order to evaluate them in a meaningful way and to punish politicians only for those decisions that were indeed unjustified or not representative of their constituents' interests, explanations and justifications are needed that allow a decision to be assessed in the light of the relevant background information and circumstances. On the one hand, providing such justifications allows representatives to persuade citizens that some decisions may run counter to

epistemic interpretation of democracy, which aims to make citizens aware of their interests rather than merely acting on their preferences, I refer to interests here. However, any meaningful mechanism of accountability should take account of this potential difference between preferences and interests.

their expressed preferences, but in fact advance their interests. On the other hand, the need to provide justifications and the exposure to this moment of public explanation is in itself a motivation to take citizens' perspectives into account. In a laboratory experiment on the role of sanctions and justifications in distribution decisions, Herne et al. (2022) found that the need to *justify* how a player distributes a given amount of money between herself and two other players causes players to choose fairer distribution patterns than in a scenario where they do not have to provide justification but can be sanctioned by the other two players instead. However, the fairest distribution was achieved in situations where players had to provide justification and could be sanctioned. While the combination of justification and sanctioning seems most promising for generating interest-responsive decisions, the importance of *justification* is neglected if political accountability is limited to being interpreted as retrospective punishment.

Whichever interpretation of political accountability we adopt, whether we focus more on the justificatory or the sanctioning dimension, accountability mechanisms are seen as a necessary element of representative democracy to ensure that representative agents act on behalf of citizens. Accountability mechanisms, like other aspects of democracy discussed above, are a means to the end of self-government. If politicians can act and decide as they please, and citizens have no influence and control over how they decide, they are being ruled rather than ruling themselves. I argued above that policy decisions should be *interest responsive* to the majority of citizens. Accountability mechanisms should serve this purpose. Responsiveness to citizens' interests can be seen as a function of participation and accountability: if citizens have opportunities to participate, i.e. to express their opinions, preferences and needs, and to hold their politicians accountable for failing to act on these opinions, preferences and needs, then politicians are likely to anticipate and act on citizens' evaluations in their decisions. This does not mean, however, that politicians have to act in accordance with the preferences expressed. But if they act contrary to them, they will need to justify their decisions and convince citizens that they have acted *responsive* to their *interests.* Either way, anticipating this moment of justification and evaluation is intended to make politicians take account of citizens' needs and perspectives.

In order to evaluate the democratic potential of lottocracy, we need to assess the extent to which lottocracy can establish accountability between politicians and citizens. On the one hand, this is the extent to which it can establish formal accountability in terms of evaluation or sanctioning, but on the other hand, it is also the extent to which it can realise the underlying goal of aligning how representatives decide with what advances citizens' interests. I return to this analysis in Chapter 6.

3.5 Effective Participation

The fundamental ideal of democracy is to give citizens control over how they are governed, to ensure that they are not governed by some remote, uncontrollable entity, but that they themselves can influence the policies under which they live. Public control, that is, the control of government by the people, is therefore a necessary element of democracy. Various mechanisms are assumed to ensure that citizens have real control over how they are governed. As noted above, they are empowered to choose who they want to represent them, and they are provided with mechanisms to hold their representatives to account if they act against their will or interests. But although contemporary election-based democracies are representative systems, and most actual political decisions are taken by elected representatives rather than by all citizens, it is important to stress that democracy is a participatory system. Rather than simply delegating decisions to elected representatives and then not paying attention to their decisions, citizens are supposed to remain involved in the political process even though they are represented by elected politicians. Public participation is a necessary part of democracy. It is both a right of citizens and a requirement of democratic systems to ensure participation. Only when citizens participate in democracies will they actually generate policies that respond to citizens' interests. In the following, I discuss three consequences of public participation and their role in the functioning of democracy.

Firstly, participation in democracy has the important function of checking those in power. Citizen participation and engagement ensures that representatives actually act on their behalf. Citizen participation in a democracy serves as a check on elite power, preventing the rise of oligarchies and protecting democratic institutions from capture by privileged groups. Citizen participation can also ensure that those in power do not change democratic structures in ways that lead to the long-term systemic exclusion of certain groups (Parvin, 2018, 32).

Second, citizen participation in democracy is also important for more substantive reasons. It is important to ensure that policies are genuinely geared to the needs and interests of citizens. Without broad public participation, interest and lobby groups gain more influence. When citizens participate less, special interests receive more attention from political representatives. The fewer people make demands for or against particular policy decisions, the fewer perspectives will be taken into account by decision-makers. As participation declines, the demands of those who do not participate fall silent and are no longer taken into account in decision-making. Thus, the claims of special interest groups or lobbyists will receive more attention the less

citizens participate. For democracy to deliver what it promises, it is not just a symbolic right that people should have the right to participate, but it is crucial that they actually do participate.

Both of these aspects of participation are important in controlling and influencing government so that it governs for the people and not for a small elite. But participation in democracy has a third important function in relation to democratic citizenship. Democratic participation, both in terms of opportunities to participate and the actual use of those opportunities, is important in making the people who live in a state *citizens* rather than mere inhabitants. Democracy is rule *by* the people and requires that these people see themselves as entitled, able and obliged to participate. Political participation also has an important educational aspect. Without participation, people do not feel that they have a stake in collective decisions, that they are members of a group rather than isolated individuals. Political participation teaches people how to engage with others, how to reason in political discussions, how to see themselves as participating and contributing citizens rather than as individuals 'consuming' political services:

> Participation in traditional mass-membership and non-political associations plays a key role in providing citizens with the intellectual, psychological, and practical resources for political participation: it helps develop political knowledge and the ability to engage in reasoned political discussions with others. (...) (C)ivic participation encourages in citizens the sense that they have a stake in collective endeavours: it builds mutual trust and a sense of belonging. Participation in civic associations builds social capital: it encourages members of the polity to think of themselves as citizens who share common concerns and can find collaborative solutions to problems, rather than abstract individuals, who seek individualistic solutions to concerns that they see as unique to them (Galston, 1999; Stoker, 2006). (Parvin, 2018, 36)

Citizens of a democracy must have the right to participate. It is a requirement of political equality and responsiveness to citizens' needs that everyone should be able to participate. But at the same time, democratic citizens need to actually participate to see themselves as members of a collective system rather than as detached consumers. If people do not participate in democracy, how is the system supposed to know what they want, how is it supposed to make policy decisions that meet their wishes and needs? Democracy must provide the right to participate and ensure that participation is open and accessible to all. A democracy without broad participation will not be

able to produce decisions that are genuinely beneficial to society as a whole, especially to those who do not exercise their right to participate. Without broad participation, democracy will respond to the vocal and visible few, not to those who do not make their views and needs heard.

Participation in democracy thus works in two directions. It serves to control the government and prevent it from making decisions in the interests of the few. Such control is *retrospective*, it is concerned with the evaluation of decisions already taken. On the other hand, participation has a *prospective* influence. It gives directions as to what political decisions should achieve or take into account. In Section 5.1 I discuss in detail whether and how both aspects of prospective and retrospective influence on policy-making are satisfied in lottocracy. Both functions are usually ascribed to elections. And they are better fulfilled when turnout is high. Hill (2014, 137) shows that compulsory voting leads to higher turnout among underprivileged groups and makes political decisions more responsive to the needs of these former non-voters. Thus, increasing participation also increases the proper functioning of democracy. Elections are only one form of participation. Other forms of civic engagement are also important for democratic participation, such as citizens contacting their representatives during the legislative period or engaging in political or social initiatives that counterbalance the well-organised and strongly expressed preferences of private interest groups.

Actual political participation is declining in almost all contemporary democracies (Parvin, 2018, 32). This declining participation can be seen as one of the reasons for the increasing influence of small interest groups on elected politicians, which is criticised by proponents of electoral systems. A lack of participation hinders the proper functioning of democracy: without broad participation by members of all social strata, ruling elites cannot be sufficiently controlled and political decisions will not take into account the diverse interests present in society. Moreover, a decline in participation leads to polarisation, a growing alienation between the rulers and the ruled, and endangers the public sphere as a place of collective will.

Participation in democracy has at least three important functions: (1) to check the power of the elite, (2) to orient actual policy towards the needs of citizens rather than the needs of small but influential interest groups, and (3) to educate and empower citizens living in a state. Participation in democracy is not only valuable in terms of the factual outcomes it produces, but it is also necessary for the development of democratic citizenship. Only if people live in a state where they feel involved in the processes and decisions of that state will they become contributing and valued members of that society. Effective, i.e. accessible and influential, political participation is "necessary for citizens to learn to articulate their views in a way that others can understand and

accept" and "to see themselves as citizens engaged with others in a collective political project" (Parvin, 2018, 38). A system that does not provide such effective participation, that does not give its citizens meaningful control over the government, and that does not encourage its citizens to see themselves as participating members of the system, will not be considered democratic in the following.

We are now in a position to move on to the actual evaluation of the democratic potential of lottocracy. In Chapter 2, I introduced what a lottocracy should look like and outlined the reasons for using sortition as opposed to elections. In this chapter, Chapter 3, I pointed out that democracy is going to be understood very broadly as a system of self-governing in the following. I then showed why political equality, adequate and equal representation of informed preferences, mechanisms of accountability between those represented and those who represent them, and procedures for effective participation are necessary elements of democracy. I now turn to an analysis of lottocracy in the light of these four desiderata of democracy. I will begin by analysing lottocracy in terms of political equality.

Chapter 4

Lottocracy and equality

Abstract

Every democracy must guarantee *political equality* to all its members. In order to defend lottocracy *as* democracy, a justification of the egalitarian value of lottocracy is needed. This chapter assesses the extent to which lottocracy can establish political equality despite depriving people of universal and equal suffrage –a right that is typically considered the central feature of political equality. To this end, three advantages of political equality are discussed separately below: (1) the *expressive* dimension of political equality, (2) the *acceptability* dimension, and (3) the *epistemic* dimension. Lottocracy scores well on the expressive dimension of political equality because it considers everyone equally capable of holding political office. But it excludes all those who were not selected, and thus seems to give them no reason to accept decisions against their will as a result of a *fair* procedure, an advantage usually ascribed to majority rule in democracy. Moreover, lottocracy partially loses the epistemic advantage of involving everyone equally. More diverse people are involved, which is good, but only few people are involved effectively, which is problematic.

4.1 The expressive dimension of equality

The demand for the political equality of all citizens is both the foundation and the justification of democracy. Political equality is a foundation of democracy because it is a necessary condition of democracy: a system that does not consider all its citizens equal cannot be democratic. But at the same time, political equality is a justification of democracy, it is one of the strongest reasons why we want democracy: we want democracy *because* in it every citizen is considered equal. The justification for this demand for equality is

manifold. First, it is considered a necessary feature of any desirable political system to express that all citizens are politically equal, i.e. that they have the same rights and deserve to be treated equally. But second, political equality also increases the acceptability and quality of decisions. A decision in which everyone had an equal say is acceptable to everyone simply because the process that led to it was fair, provided that it does not violate personal freedom or other non-negotiable aspects of society. For example, if a society debates raising the top tax rate from, say, 45% to 48%, then the mere fact that a majority of people vote for 48% gives those people who voted against it a reason to accept that decision as a matter of respect for their fellow citizens. Finally, a decision is said to be epistemically better if *all* relevant perspectives are *equally* considered. In this chapter I discuss the extent to which these three aspects of political equality are present in lottocracy: the expressive, the acceptability and the epistemic dimensions of political equality. In each section, I will briefly explain how each dimension is fulfilled in election-based democracies and discuss the extent to which it could be fulfilled by lottocracy. I begin by analysing the expressive dimension of political equality.

In election-based democracies, the law gives every citizen the right to vote and to stand for election, regardless of gender, wealth or education.[1] The equal right to vote and the equal right to stand as a candidate expresses, among other things, the equal moral status of all citizens and satisfies the requirement that a democratic system must *express* that every citizen is indeed considered morally equal and equally deserving of political participation. Granting everyone the same right to vote and stand for election expresses that every citizen is equally deserving of political participation.

Although political equality is a necessary condition for democracies, many countries fail to implement this right adequately. First of all, several states use electoral rules that violate the claim of political equality. Although they give each citizen exactly one vote, these votes have different effects on the final decisions. The United States, for example, fulfil an important requirement of political equality by giving every adult citizen the same right to vote and exactly one vote per person in the presidential elections. However, they are inegalitarian in that the votes of people in some electoral districts carry more weight than the votes of people in others (Diamond, 2020; Thompson, 2002). This problem has been widely discussed in the context of the 2016

[1] In principle, democracy requires these rights for *every* citizen. Some countries disenfranchise some criminals or restrict the right to hold some high political offices on the basis of age or a required period of citizenship. Whether such restrictions are justified or violate the principle of political equality need not detain us here. If such restrictions on equal participation are legitimate for elections, they are also legitimate for lottocracy. But the egalitarian defense of lottocracy does not require us to settle this question here.

elections in the United States. In that election, the Democratic Party of Hillary Clinton received 2.8 million more votes than the opposing Republican Party of Donald Trump. However, under the United States electoral system, the President is not elected directly by the people, but by members of the Electoral College. Each electoral district elects one member of the Electoral College in a winner-take-all system. Under this system, it makes no difference whether a candidate wins a district by one vote or by several thousand votes. If one party wins many electoral districts with a small minority, and the other party wins fewer electoral districts with large majorities, it can happen that a majority of people vote for one party, but the opposing party still wins more seats in the Electoral College. In the 2016 election, 65.8 million people voted Democratic and only 62.9 voted Republican, but the Republican candidate won the presidential election because more electoral districts were won by Republican candidates. Equal suffrage can only create political equality in combination with an appropriate method of counting votes.

A second shortcoming of equal suffrage in terms of actual political equality stems from the *undemocratic* influence of private interests on politicians. Research has shown that many political decisions are not primarily influenced by the will of the people, but rather by financial elites and private interests. In Germany, for example, a distinct group of 1,000 to 4,000 people form a powerful, politically influential but not democratically legitimised elite (Hartmann, 2018). Similarly, the US system of party and campaign finance provides structures that have been shown to give the rich more influence over political outcomes than the poor (Bartels, 2016; Gilens, 2012). If the opinions of some people systematically have more influence than the average voter, the promise of political equality through equal voting power is violated. If the actual voice of the people does not proportionately influence political decisions, then de jure political equality does not translate into de facto political equality. In extreme cases, this leads to citizens feeling less equal than people from other social or political classes. When people feel that their vote has no real impact on policy-making, they often stop voting altogether or try to find other methods of political activism.[2] Giving everyone an equal vote, but not giving everyone's opinion equal weight in the final decision, violates the requirement of *expressing* that every citizen's opinion is equally important.

[2]For more on the growing problem of political disenchantment see, for example, Birch et al. (2013) and Hill (2014). Both emphasise that it is not just declining turnout that is problematic, but that it is particularly problematic that turnout is declining among certain groups, namely the poorer, the less educated and the younger. On political activism, Verba (2001) found that loud and visible political activists often have more influence on policy-making, even if they do not vote, than otherwise discreet voters.

Of course, none of the problematic inequalities just mentioned is a feature of *ideal* election-based democracies. And such problems of factual inequality are more severe in some states and under some electoral rules than in others. But they are a problem in many existing democracies. And this alone is reason enough to examine whether an alternative arrangement could improve democracy in terms of expressive equality.

One possible alternative is lottocracy. As mentioned in the introduction, lottocracy is tentatively assumed to be a *democratic* alternative to election-based democracy. The question, then, is whether lottocracy can satisfy the expressive dimension of political equality. Instead of giving everyone the same right to vote, lottocracy gives everyone the same chance of being selected to political office. Each citizen is represented by exactly one lot in the lottery, and each lot has the same chance of being selected.[3]

Let us begin by considering this ideal and complete implementation of lottocracy: the case in which the selection is completely random and everyone actually has the same chance of being selected into the lottery-based equivalent of parliament (Guerrero, 2014, 167). In this case, the expressive dimension of political equality is very much satisfied. Everyone is considered equally deserving and capable of holding political office. But critics of lottocracy object that this theoretical promise is of little value. Almost all actual experiences with citizens' assemblies use so-called stratified selection to ensure proportional representation of society. This is important because return rates in actual assemblies average around 10%. In order to ensure the promises of lottocracy, especially that the parliament is a representative mirror of society and resembles the characteristics and needs present in society, the selection of citizens' assemblies is actually done according to predefined criteria such as age, wealth, education, and gender. I discuss the arguments for and against such stratified selection at length in Chapter 5. But it is important to mention it here because the egalitarian promise of lottocracy depends on this choice. Lottocracy can only fulfill the expressive dimension of political equality, namely that everyone is considered politically equal and has exactly the same chance of holding office, if the selection is *not* stratified but completely random. This choice for completely random, unweighted selection, however, comes at the expense of descriptive representation. I must bracket this discussion here and return to it in detail in the next chapter.

[3]The selection is actually done by an algorithm that selects from a population register, not by an actual lottery. Nevertheless, the image of a classical lottery seems more illuminating here. Whether everyone has to take part in the lottery or can choose to do so is an important choice in the design of a lottocracy. I discuss the reasons for and against compulsory participation in Chapter 5. For now, let us assume that every citizen participates in the lottery and takes office if selected.

For now, it is important to understand what is at stake in choosing lottocracy over elections. Elections provide everyone with an equal and *actual* right to vote *and* the right to stand as a candidate. Every citizen in a democracy can contribute to the choice of who should govern and can stand as a candidate. Lottocracy provides an equal *chance* to be selected to the lottocratic parliament. Whoever is selected has the status of a truly influential member of the parliament. Thus, the lottocratic system provides an equal *chance* for *actual* influence. And, it is argued, this chance of actual access to political office is more evenly distributed than the chance of holding political office in electoral democracies.

It is important to note, however, that those who are not selected in a lottocracy are left with nothing in terms of guaranteed influence. Guerrero (2014) objects this concern stating that the mechanisms of representative-constituent interaction would still be in place, such as town hall meetings, letters to representatives, and demonstrations. Hennig (2019) argues that such mechanisms of democratic participation are in many ways more influential than voting. For example, a US president in his second term cannot be influenced by the anticipation of the next election or be held accountable in elections. However, according to Hennig, he or she is still influenced and held accountable in important ways, for example through demonstrations, opinion polls or, in severe cases, the threat of impeachment. Similarly, people who are not selected to the lottocratic parliament may still have ways of influencing policy. They can manifest, attend town hall meetings or approach selected politicians to express their opinions or needs. However, none of this would be formally institutionalised influence, which guarantees that everyone's will is weighed equally. In a lottocratic system, people do not have a guaranteed and equal route to political influence. They have a chance of significant influence, and this chance is more evenly distributed than in contemporary election-based democracies. They also have the opportunity to express their will in a variety of ways. Nevertheless, these non-institutional forms of influence would require more commitment or effort than voting once every few years. I return to this issue of unequal participation in more detail in Chapter 7.

Obviously, having a *definite right* to something is different from having a *chance* to get something. Imagine we were talking about rights other than the right to vote. Giving people the same *right* to free speech obviously has a different value from giving people the same *chance* to free speech. If we had to choose between the two, I suspect that most people would clearly choose the actual right rather than just a chance at the right. So, on the face of it, an equal chance of political participation is clearly of less democratic value than an equal right to political participation.

However, there are two other aspects to consider before we prematurely

reject the lottocratic proposal. First, elections are not an end in themselves. Rather, they are a means to the end of people governing themselves. Therefore, the right to vote has a different moral status from the right to free speech, the right to life, or the right to bodily integrity. People have a right to govern themselves, to be free from illegitimate domination or subordination. Equal suffrage is seen as a means of realising this right. If properly implemented, equal suffrage gives everyone an equal say in the governance of the state and protects people from illegitimate domination and subordination. But, as I said earlier, equal suffrage does not automatically translate into equal influence. I come back to this point in the next section, where I explicitly discuss equality of influence. Let us assume here that all people have the right to govern themselves. But perhaps this right of self-government can be realised without the right to vote.

Secondly, remember that this section is about the *moral* equality of all citizens and whether this is expressed by the lottocratic system. In the next sections I will discuss in more detail the instrumental importance of equal participation just alluded to. But first, let us focus on the symbolic importance of political equality. In terms of this *expressive* message of political equality, lottocracy does well. It is of high symbolic egalitarian value to consider members of the state not only entitled to express their opinions in an election every few years, but actually capable of actively participating in policy-making and expressing this conviction in the choice of the political system.

This is not to say that election-based democracy does not express this belief. Some proponents of lottery-based systems argue that election-based democracies are highly inegalitarian because they allow only a few people access to political office, thus expressing that these few are somehow 'superior' to others, that some people have the right to rule over others. But this objection does not do justice to the spirit of election-based democracy. Within the overall structure of election-based democracy, the selection of a few people for political office is reasonable from a procedural and epistemic point of view and not objectionable in principle. Most contemporary states exceed the size at which it is reasonable for all citizens to participate in actual decision-making. It is a matter of practicability and delegation to select a few people to act on behalf of others when it is impractical for everyone to actually participate. And indeed, reducing the group of all citizens to a group of a few requires some kind of selection mechanism. This does not imply that some are more deserving or capable than others. In elections, we choose those agents to whom we wish to entrust this responsibility. There is nothing inherently inegalitarian about using some selection criteria to do so. What is objectionable from an egalitarian point of view, however, is when the selection of representatives is not based on the right criteria. The right

criteria for electing someone to office are, for example, personal competence, trustworthiness, integrity, or the fact that someone can identify with their constituents and anticipate what would be in their interests. The wrong criteria for selecting someone for office are wealth, personal networks, the desire for recognition or the ambition to implement policies that favour their personal interests. So it is not generally inegalitarian to select some people for more powerful positions than all other members of society. But it is inegalitarian to do so for the wrong reasons, and to systematically exclude some from the chance of being selected.

Again, in *ideal* democracy no one is systematically excluded from political office for the wrong reasons. In actual democracies, very few people, for example people with severe mental disabilities or a history of certain criminal offences, are *explicitly* excluded from political office. But in fact many people are systematically excluded from political office. In the US, for example, half the members of Congress are millionaires, and the average congressman is worth $1,000,000. Also in Germany, a democracy less criticised for systematic inequality, quite some personal wealth is required to run for office. In the campaign before the 2017 national elections, the direct candidates of the two largest parties spent on average between €6,600 and €10,500 of their own money on their campaigns. Thus, candidates had to finance about 50-87% of the total campaign costs privately, without funding from their parties (Helm, 2017). Spending several thousand euros on an election campaign is beyond the financial means of many people and makes access to political office impossible for many. If this is necessary in order to have a chance of winning office, then access to political office is unequally distributed. Arguably, standards of political equality are violated if people de jure have to right to stand as a candidate, but systemic hurdles de facto keep them from doing so. Democratic states must grant all citizens an equal and actual vote, they must organize elections in such a way that participating is made possible. For example, polling stations must be distributed equally across the country, opening hours must be such that voting is actually possible and so on. States which do not satisfy these conditions are at best considered partially democratic (Papada et al., 2023). And if we interpret the condition of political equality as both the right to vote and the right to stand as a candidate, then democratic states would be required to grant to their citizens to execute *both* these rights, meaning that they would also have to support their citizens in standing as a candidate, irrespective of personal wealth or qualifications. The same inequalities apply for other, non-financial social conditions. In 2021 87% of all members of the German Bundestag held an academic degree, while less than 15% of all members of society did (Klinkartz, 2021). Migrant backgrounds and age structures are similarly misrepresented in parliament. Although

election-based democracy formally guarantees the equal right to stand for political office, the list of political candidates and members of parliament does not reflect this right.

Critics object that the right to run for office does not carry with it the right to actually hold office. And that therefore, in lottocracy, the *right* to hold office should not be distributed equally among all citizens (Umbers, 2018). This is true of electoral democracy. The criteria for selecting representatives in an electoral democracy are competence, integrity, trustworthiness, and other individual characteristics of the candidates. It could be argued that some people do not make it into parliament because they do not meet the requirements to be considered a suitable candidate, because they lack certain character traits or competencies. Given the selection criteria used to elect members of parliament, no one can be forced to vote for a young woman of Turkish origin if they would prefer to be represented by a middle-aged white man. Therefore, the right to stand as a candidate does not imply a right to be elected.[4]

In lottocracy it is different. In lottocracy, the selection criteria for entering parliament are not trustworthiness, ability, or ambition. The simple fact of citizenship gives everyone an equal claim to actual political office. At least in its ideal implementation with unweighted selection, access to political office would be equally distributed. Everyone would have an equal chance of actually holding political office. Not everyone would actually hold political office. But that is because there are more people eligible for political office than there are offices available. And in such cases, where an indivisible good is to be distributed among people with equal claims to that good, lotteries are indeed a recommendable distribution mechanism (Stone, 2011). This actual, not just theoretical, equal access to political offices is of high *expressive* value. The selection criteria for why someone makes it into office are different in lottocracy compared to election-based democracy. In fact, there are *no* selection criteria.[5] Lottocracy aims to create a parliament that is as diverse as society, in terms of age, gender and cultural background, but also in terms of education, skills and personal characteristics. Therefore, everyone is eligible to become a member of parliament in lottocracy. Unlike election-based democracy, there are no special requirements such as motivation, skills or

[4]However, the current lists of eligible candidates suggest that the unbalanced composition of the parliament is not only due to different competencies or the like. If that were the case, at least the list of eligible candidates would have to resemble the constitution of society. In contemporary democracies, the right to stand as a candidate does not seem to be realized, or at least little is done to enable people to make use of this right.

[5]I discuss the need to use stratification criteria to achieve demographic diversity in Chapter 5.

trustworthiness. Therefore, in a lottocracy, everyone has the right to become a member of parliament. *Everyone* should be present in parliament with their particular needs, perspectives and competences. And since the seats in parliament are limited and indivisible, so that not everyone can actually have a seat, a fair, unbiased and unconditional distribution method is the best we can do to distribute the limited number of seats to everyone who has a right to them. Therefore, for the goal of diverse and representative political bodies that lottocrats seek to realise, the selection of members of parliament by lottery is the method of choice to express the fundamental moral equality of all members of society. In terms of the expressive dimension of political equality, lottocracy is highly egalitarian.

In summary, the expressive dimension of political equality requires that a political system expresses the fundamental belief that all its members are essentially morally equal. In terms of self-government, this requires that everyone has the same right to participate in the political system. In an election-based democracy, this participation is guaranteed by the fact that everyone has the same right to vote and that each vote is counted with equal weight and exactly once. However, some voting systems violate this requirement and give more weight to some people's votes than others.[6] In addition, existing election-based democracies often systematically exclude some people from running for or holding political office. While it does not violate egalitarian requirements not to vote people into office for the right reasons, such as lack of competence or benevolence, it violates the democratic ideal to systematically exclude people from political office for the wrong reasons, such as being poor or immigrant. Lottocracy does not systematically exclude people from political office. But it does give only some people the right to actually participate in political decision-making. Anyone who is not selected is left without any institutionalised or guaranteed influence on policy-making. At first sight, depriving people of their right to political participation seems problematic. However, the right to vote is only one means to the end of self-government. If that goal can be meaningfully realised in some other way, without elections, then removing the right to vote is less problematic. In terms of expressive political equality, lottocracy is outstanding. Not only does it express the conviction that everyone has the right to express their will, but it actually considers everyone capable of holding political office. Since

[6]Such unevenly weighted votes may be justified in some cases when they are designed to protect minorities. However, they are clearly undemocratic when they are the result of strategic gerrymandering to increase the likelihood of a candidate's victory in a particular district. The issue of minority protection in lottocracy and how to ensure it is important. I return to it in the next chapter in the context of stratified selection and the rationale for using quotas in lottocracies.

lottocracy aims to produce diverse and representative assemblies, rather than particularly competent ones, selecting candidates by lot is the fairest and most egalitarian method available. In terms of *expressing* the equal moral standing of every citizen, lottocracy is clearly egalitarian. This is not to say that elections, if properly organized and independent of social status and personal wealth, cannot satisfy the requirements of political equality. The purpose of this section was simply to show how lottocracy satisfies the requirement that a democracy *express* the political equality of all its citizens.

4.2 The acceptability dimension of equality

Let us now turn to the second dimension of political equality mentioned above: the procedural advantage that the equal participation of all in a fair process gives everyone good reasons to *accept* the decisions resulting from that process, even if they go against their personal will. It is a matter of fairness towards one's fellow citizens and a fundamental basis of majoritarian decision-making to accept the will of the majority, as long as it has been arrived at through a fair, inclusive and non-manipulated process. For the sake of simplicity, I refer to this as the *acceptability* dimension of political equality.

What exactly do we have in mind when we call for a *fair* process? Understanding political equality as an expression of moral equality is not enough to satisfy this demand. Instead, the demand for a fair process is less about *expressing* that everyone is equal, but rather about involving everyone equally in the decisions that govern them. What is relevant to a fair and acceptable democratic process is the fair distribution of *political power* (Dworkin, 1987). At first sight, this seems to require the *equal* distribution of political power among all citizens. This is violated in lottocracy because only a few people are selected to the decision-making assembly. But again, this can be seen as a necessary feature of representative systems: that some act on behalf of others. In this section, I will discuss the extent to which lottocracy produces a political process that justifies basic requirements of political fairness and thus gives all citizens, even those who were not selected, reasons to accept the decisions of a lottocratic assembly. I begin by distinguishing different aspects of political power that help to analyse which aspects of procedural equality lottocracy can and cannot satisfy.

In election-based democracy, it is assumed that by giving each citizen an equally weighted vote, political power is distributed equally among all citizens. If every vote is counted equally, each citizen's will has the same impact on the composition of the parliament and thus, presumably, on the

final policy decisions. But this only takes into account one aspect of political power, namely the distribution of power among citizens. After the elections, those who are elected receive significantly more power than those who are not elected to parliament (either because they did not stand or because they did not win). And we would not normally reject this *unequal* distribution of power as *in-egalitarian* if it is the result of the right procedure. Thus, equality of political power does not seem to require actual equality of political power, but rather that power be distributed in a fair and acceptable way. In order to better understand different aspects of *equality of political power* and what we can consider a *fair* distribution of political power, a distinction between four different aspects suggested by Dworkin (1987) is helpful.[7]

On the one hand, he distinguishes between horizontal and vertical equality of power, and on the other between equality of impact and equality of influence as two possible interpretations of political power. By *horizontal* equality, Dworkin refers to the equality of political power between all private citizens or groups of citizens. By *vertical* equality he refers to the equality of power between private citizens and individual officials (Dworkin, 1987, 8-9). Dworkin attempts to analyse which of these is the equality we have in mind when we demand political equality as an ideal of democracy. He argues that, at first sight, it cannot be either. The horizontal equality of political power between all citizens is not demanding enough as an ideal of political equality. It can be satisfied even in a dictatorship, where no citizen has any influence, or in a one-party system, where all citizens have a vote in elections, but that vote cannot actually change anything in the political system of that state. In addition, Dworkin argues that democracy should also be about promoting the rights of minorities, rather than giving everyone exactly the same influence. According to him, an essential democratic aim is to enable members of minorities to be heard in the political process. Adopting an interpretation of political equality that neglects the special consideration of underprivileged groups, Dworkin argues, should not be seen as egalitarian in the sense that we strive for when we claim political equality. Rather, what is important in the context of political equality is that this equality leads to outcomes –be they laws, distributions or policy intentions– that can be considered democratic and egalitarian in spirit. Similarly, Beitz argues that the goal of political equality is *political fairness* rather than actual equality. According to him, we misunderstand the reason for wanting political equality when we claim that

[7]Too many authors have written about political equality to do justice to them here. Dworkin's work on equality in general and political equality in particular is iconic and has provided the basis for many other scholars working on political equality. I will discuss his systematisation of political equality here because it is helpful in analysing the promises and pitfalls of lottocracy in this regard.

the aim of political equality is that democratic institutions should be designed in such a way "that each citizen has equal power over political outcomes" (Beitz, 1989, 18). Rather, the claim for *equal political power* refers to the aim of organising political institutions in a fair way, so that no one is excluded, disadvantaged or considered unequal for unjustifiable reasons. This may well include an unequal distribution of political power. The fact that inequalities of power may exist for acceptable reasons will be discussed in more detail below. For now, let us note that horizontal inequalities of political power among citizens in a democracy are not always objectionable on egalitarian grounds and do not necessarily reduce the acceptability of decisions, but that such inequalities must not undermine the acceptability advantage resulting from equality. If inequalities do arise, they should be justified in such a way that political decisions are still seen as fair and therefore acceptable to those who are subject to them.

Dworkin also rejects the interpretation that the desirable form of political equality is vertical equality. Vertical equality is the equality between private citizens and individual political officials. According to Dworkin, the demand for vertical equality is both unrealistic and undesirable. It is unrealistic because it is incompatible with representative political systems in which a few are supposed to act on behalf of the whole of society. Each individual voter cannot have the same power as the elected president. And it is undesirable because we prefer representative to direct systems for good reasons. They are cost- and time-efficient, reduce the complexity of collective decision-making and increase the quality of the decisions taken. If the demand for political equality meant *vertical equality*, then any system that gives more decision-making power to (s)elected political representatives than to individual citizens would be *in-egalitarian.* But this is not what we want to imply when we demand *political equality.*

To refine the interpretation of political equality, Dworkin introduces the distinction between political power as *impact* or as *influence*:

> someone's impact in politics is the difference he can make, just on his own, by voting for or choosing one decision rather than another. Someone's influence, on the other hand, is the difference he can make not just on his own but also by leading or introducing others to believe or vote or choose as he does. (Dworkin, 1987, 9)

The essential difference between these two concepts is that in one we include non-constitutional background information such as charisma, personal networks or party affiliation, while in the other we exclude such information. When we want to know the *impact* of an individual citizen, we do not consider any information about their personality. We only consider the fact that

they are eligible to vote, the jurisdiction in which they live, and the political office they hold. Two voters A and B, who hold no political office, have the same impact on a political decision qua casting their vote. But if we want to know the *influence* of both citizens, then we also take into account non-constitutional facts such as personal networks, wealth or charisma. If you find out that citizen A is George Soros, not an elected politician but the largest donor to the Democratic Party, and you find out that he is in favour of a certain political decision, then this fact increases the chance that this political decision will be passed much more than knowing the opinion of citizen B, who is a completely unknown and uninfluential private citizen. Both George Soros and citizen B have the same *impact* on policy making when we do not consider their personal backgrounds, because neither of them hold official positions in the political system. However, when their personal backgrounds are taken into account, Soros has much more *influence* because he has a large network and financially supports the ruling party, which gives him significant control over policy decisions.

In terms of political equality, and more specifically in terms of assessing political *inequality*, this distinction between impact and influence helps to distinguish between legitimate, constitutional sources of inequality and illegitimate, non-constitutional sources of inequality. If you learn that citizen C, who is a member of parliament, has a certain attitude towards an upcoming policy decision, then you know that this person will have more influence on the final decision than citizen B. And you do not need to know anything about their personal networks to know this, it is simply a consequence of C's elected position. But if two citizens A and B, who are not constitutionally entitled to different political power, have different influence on policy decisions, this is problematic from the point of view of political equality.

However, Dworkin does not actually defend the idea that equality of political power should mean that influence is equally distributed. Instead, he emphasises that it is natural and important for some people to have more influence on policy-making than others. Particularly at the horizontal level, between private individuals, it undermines political agency to demand equality of influence. It is not desirable to limit how much some motivated, interested people can engage in politics just to *equalize* their influence with the influence of people who are not interested in politics (Dworkin, 1987, 17). But this does not mean that all kinds of unequal influence are acceptable or compatible with political equality. In assessing inequality of influence, we should be sensitive to the *source* of that influence (Dworkin, 1987, 14). It is acceptable for someone to have more influence because she is active in local politics and often participates in party activities and demonstrations, at least assuming equal and fair background conditions for all. Such fair background conditions

require that everyone has the same chances of such political participation, is equally politically educated and has the same access to participation, for example an income that allows them to afford childcare for the time of political participation. According to Dworkin, even spending significantly more money than someone else on political campaigns is acceptable in terms of equality of influence, as long as we start from a position where everyone is equally wealthy. If the sources of unequal influence are compatible with egalitarian standards, if education and wealth are equally (or fairly) distributed, and if everyone starts from the same position regardless of gender, age, race or sexual orientation, then unequal influence can be compatible with political equality. However, it is unacceptable if someone has more political influence than someone else for the wrong reasons. For example, because she has significantly more money, and this money is not the result of an initially fair situation, and she uses this money to influence politics according to her personal interests (Dworkin, 1987, 13).

How does focusing on the *source* of unequal influence help us assess political equality in lottocracy? In lottocracy, political *impact* would be distributed *unequally* among citizens: those who are selected to the lottocratic assembly enjoy significantly more impact than those who are not.[8] Similarly, in an election-based democracy, people who are elected to parliament have significantly more impact than those who are not (although ideally their decisions are influenced by the will of their constituents). The question about political equality in lottocracy is then: would this unequal distribution of impact perhaps result from a more equal distribution of political *influence*? Would people have more unequal impact *for the right reasons*? Would background knowledge about people's networks, where they went to school or how wealthy they are perhaps not change how we estimate their political *influence*?

This distinction between equal impact and equal influence helps to understand the egalitarian potential of lottocracy. As in election-based democracy, political impact would be unequally distributed in lottocracy: those who hold political office would have significantly more impact than those who do not. Unlike in election-based democracies, those who are not selected to the lottocratic assembly would no longer have any impact on policy making, since the selection by lottery would result in the loss of voting rights. I return to this problem in Chapter 7. But lottocracy distributes access to political office equally. Knowing anything about people's unconstitutional backgrounds, where they went to school, or how wealthy they are, would have no effect on

[8]Remember that political impact is the difference that everyone can make on their own, regardless of non-constitutional facts such as charisma, education and networks.

their likelihood of being elected to the lottocratic assembly. And not only would marital status no longer tell us anything about a person's chances of making it into parliament. More importantly, it would no longer be the members of certain classes who have a systemic greater influence on political decisions, simply because the decision-makers are to a large extent members of very limited social groups. In terms of equality of political influence, one aspect of lottocracy is especially important: lottocracy provides structures that reduce inequality of influence on policymaking.

Critics of lottocracy dispute this claim. They argue that people who are more charismatic, more persuasive, or more knowledgeable about certain issues would still have more influence than others in a lottocracy. Within the lottocratic assembly, this is certainly true. Groups of people will always have some who are louder, more outspoken, or more settled in their beliefs than others. But no political system will enable us to compensate for such differences in personality. The best we can do to compensate for this form of inequality is to provide an adequate education for all. Contrary to the fears of critics, experience with actual citicens' assemblies shows that many of the participants who start out as quiet observers or rather passive participants change their behavior and speak up when they feel affected by certain issues. And it is quite possible to structure group deliberations in such a way that everyone has a voice, that individual speaking time is limited, and that offensive or aggressive speech is prohibited (Gelauff et al., 2023).[9] The unequal influence of selected *representatives* is not generally problematic for democracy.[10] What is problematic in terms of political equality, however, is

[9]It is important to note that moderators can have both positive –structuring and balancing– and negative –influencing and manipulating– effects (Spada and Vreeland, 2013). This issue will not be discussed further here, as it is a practical issue rather than a question of the true democratic value of lottocracy. However, if we conclude that lottocracy is a possible interpretation of democracy and think about implementing it as a political system, it will be crucial to clearly define and limit the power of moderators and facilitators. Otherwise, what is criticized about lobby influence and capture in electoral democracy will also apply to moderators and bureaucrats in lottocracy.

[10]It is problematic, however, when it results from social structures that are objectionable on egalitarian grounds. For example, if someone has more influence because she has better rhetorical skills, and she has those skills because she went to a university that was only accessible to her because of her parents' wealth. Or if someone has less influence because they speak the local language poorly because they grew up in a district where there is a shortage of teachers, which has had a negative impact on their education for reasons beyond their control. But discussions about these sources of inequality must be left aside here. They are important social issues. But they concern the measures of equality we want to see in society (Cohen, 1993; Dworkin, 2000; Sen, 1980) and the overall egalitarian merits of society, rather than the extent to which a *political* system guarantees *political* equality to all its citizens.

when some *citizens* have more influence than others for objectionable reasons, for example because they went to the right school or were born in the right neighbourhood. And such systematically unequal influence is reduced in lottocracy because people from the suburbs will have the same access to political office as people from elite universities.

In order to ensure that this theoretically implied political equality of lottocracy is achieved, we need to consider briefly the conditions under which people who are selected can take office. Everything said so far about lottocracy refers to an ideal and complete implementation of lottocracy: a system in which everyone can be selected, everyone has an equal chance of being selected, and everyone takes office after being selected. Return rates in current citizens' assemblies are so low that this last condition does not seem to be met. I discuss this issue in detail in the next chapter. For now, let us focus on whether the theoretical possibility of being selected is sufficient to ensure political equality. In an election-based democracy, every citizen has the *formal* opportunity to stand as a candidate. But this does not translate into real, substantive equality of opportunity. It is in fact much easier to stand for someone who can afford childcare than for someone who cannot, for someone who has flexible working hours than for someone who does not, or for someone who works only 30 hours a week than for someone who works 60. In order to guarantee equal opportunities to hold office (or at least to give everyone the real opportunity to stand as a candidate) in an election-based democracy, all these constraints would have to be equalised. That whoever wants to get involved in politics gets support for childcare or other care work, gets evenings or weekends off work, gets support for the transport needed to participate, and so on.

The same applies to lottocracy. To realise *substantive* equality of access to office, not only formal equality of access to office is needed. Whoever is elected to the assembly must have the real possibility of taking office. This means that whoever is elected must have the support needed to take office, including care work, transport, time and, if necessary, translation services or other assistance. According to Guerrero, given the costs of the current US electoral system, each member of the lottocratic assembly could be paid a high salary and efforts would be made to enable participation by accommodating family and work schedules, providing relocation expenses and legal protection for those selected (Guerrero, 2014, 156, 164).

Again, of course, this is an ideal assumption. And the substantive equality of access to office in an electoral system could clearly be improved if such measures were taken. But here is a structural advantage of lottocracy over electoral democracy: it is much easier, and therefore more realistic, at least in the short term, to provide the few people selected to the lottocratic assembly

with the necessary means to participate than to provide *every* citizen with the necessary means to stand as a candidate. In terms of social equality, the latter would be the preferable option. And it is indeed a problematic side-effect of lottocracy that the valuable means of political participation are unequally and randomly distributed among only a few people, leaving everyone who is not selected worse off in this respect. Nevertheless, given the existing inequalities in substantive participation opportunities and the difficulty of equalising these opportunities in an electoral system, lottocracy is a promising alternative in terms of political equality because it equalises political influence among all citizens, regardless of their personal backgrounds.

Lottocracy reduces the power of private money in politics through party and campaign financing.[11] It also reduces the role of personal networks, which in electoral systems often make it easier for some people than others to get into politically influential positions or to stand at all. These networks, we will assume here, are mostly not the result of circumstances consistent with an egalitarian society. Instead, they exist because people come from wealthy households, went to private schools or universities, or are members of the 'right' clubs. Of course, this is not the only way to gain access to political office. The growing number of smaller parties and younger members of parliament are encouraging signs of a move towards younger and more diverse politicians.[12] Nevertheless, it is much easier for some people to gain influence than for others, and this inequality results from inegalitarian social structures. I have argued that these circumstances could be alleviated or, ideally, overcome in lottocracy.[13]

To equalize access to political office does not suffice to prevent that some people illegitimately influence the selected or the ways deliberations are organized. Critics of lottocracy object that members of the lottocratic assembly would be more likely or at least as likely as elected politicians to

[11]Lotteries are not the only way to do this. Tighter limits on campaign financing, clear restrictions on permissible targeted advertising, and so on could also do the job. But lotteries are at least one way to reduce financial influence, and probably a quick way to do so.

[12]In Germany, Emilia Fester (female) was recently elected to parliament at the age of 23, becoming the youngest member of parliament. Her parents are both freelance artists and she has no university degree. (https://emiliafester.de, accessed 15 Feb, 2023.)

[13]Again, this is not to say that they could not be overcome in an election-based democracy. But this would require constructing a much more egalitarian society in terms of wealth, education, and non-discrimination. This is a highly desirable aim. But in light of how long such a change has already *not* happened and given the actual increase of social separation and growing poverty, as well as the rise of populist parties and political disenchantment it is at least worthwhile considering a road which leads to a more egalitarian political system sooner rather than later.

bribery, manipulation and capture (Landa and Pevnick, 2021). I argue against this claim in a later chapter (see 5.1). In the end, it requires empirical evidence to prove or reject this claim. But it is important to stress one essential egalitarian advantage of lottocracy here: it breaks established networks. For every newly selected assembly it would be necessary to establish new connections to the selected assembly members. Financial elites and lobbyists could no longer rely on established friendships, on approaching students of the right private schools or on participating in the right charity events to build networks that increase their *influence* on politics. Lottocracy equalizes political influence, because it breaks established structures and prevents unequal influence that obtains for objectionable reasons. And it puts people into political power who are motivated to present the interests of people who are like themselves, which creates policies that advance the interests of all strata of society. Lottocracy creates structures that give everyone access to political office, regardless of their wealth and personal networks. And most importantly, it creates structures that make it more difficult to establish long-term beneficial partnerships between parties or elected politicians and private interests. In terms of political fairness, lottocracy scores very well: it distributes access to political office equally and prevents inequality of influence for the wrong reasons.

However, many inequalities in political influence exist *for acceptable reasons* –because people are particularly interested in politics, are willing to spend time and energy on it, are rhetorically talented, or are particularly educated on certain relevant issues. With lottocracy, we would also lose out on these *acceptably* more influential people. I will now analyse the extent to which this is or is not problematic for lottocracy along three different dimensions. I will start by considering a *distributive* dimension.

I mentioned above that the concept of equality as a standard of fair distribution is widely shared in moral and political philosophy. Here, I will not specify further which kind of equality I consider. I will understand equality, in a very general sense, as *fairness.* A *fair* distribution is one which considers everyone who has an equal claim to a certain object as equal. If four pieces of cake are available and to be divided between four children with equally justified claims for this cake, the cake should be distributed equally between them. If two of the children have been starving the whole day or are malnourished and the other two children have no such special circumstances, the first two children have a stronger claim to the cake and should get two pieces each. Many egalitarian theorists would consider this a hasty or underspecified example, but I hope most readers will agree with me that this understanding of fairness is rather uncontroversial in relatively uncomplex settings. Let us now consider not the distribution of cake, but of

political offices.

First, let us stipulate that there are fewer political offices available than people who have a legitimate claim to them (Stone, 2011). And second, that offices cannot be divided in such a way that they can be distributed equally among all those who have a legitimate claim. The question of who has a claim to political office, and whether some claims are stronger than others, depends on how we conceptualise them. I will be brief here because I have already elaborated on this point in the section above, when I discussed whether people can be said to have a right to hold political office. In an election-based democracy, some people have a stronger claim to political office. Namely, those who get the most votes. Ideally, they get those votes because they have certain skills or abilities that allow them to be good representatives. In lottocracy, the basic assumption is that no special skills are required to hold political office, and that everyone has an equal right to be heard and to participate actively in the political process as a representative. Thus, all citizens of a state have an *equal* claim to the limited number of seats available. As I postulated above, these seats are not divisible. Therefore, the *fairest* way to distribute them is by lottery. Thus, in terms of *fairness*, it is justified to ignore the special competences or characteristics of some potential political candidates and instead distribute political offices *equally* among all citizens, assuming that everyone has the same claim right to hold these offices. On the *distributive* dimension, given the selection criteria of maximum diversity and inclusiveness, it is unproblematic to disqualify particularly motivated or competent candidates. Sceptics of lottocracy might object that some people are indeed less entitled to political office for reasons that are their own responsibility, for example because they are criminals or anti-constitutional. I do not deny that some people should be excluded from the lottocratic lottery for the right reasons. However, it is important to stress that reasons such as 'low interest in politics', 'unable to speak in front of others' or 'difficulties in concentrating in group work' cannot be reasons for exclusion according to lottocratic reasoning.

Second, let me consider how the loss of some generally desirable traits in politicians is problematic from the perspective of *acceptance*. One of the arguments for political equality is that it is *procedurally* desirable because it gives all those who are outvoted reasons to accept a decision made against their will because it was made in a fair, majoritarian decision. To what extent will people accept decisions taken against their will in a lottocratic system? This is indeed a problematic challenge for lottocracy. We can argue that as long as the process is fair, well-organised, and not manipulated, the outcome of the random selection is also *fair* and people should accept these decisions. But what if the selected assembly ends up being 90% female, all from non-

migrant backgrounds? Or if it ends up being 90% of people with nationalist tendencies? Will all the non-selected people really accept the decisions of these assemblies because the selection was *fair and not manipulated*? I doubt it. And I think they should not.[14]

For now, consider the positive case where the lottery selection was fair and unmanipulated, and produced an assembly that sufficiently resembles the diversity of society. Would all those who were not selected have reasons to accept decisions taken against their will? Lottocrats assume that they would. As a matter of accepting the deliberative function of the lottocratic assembly and as a matter of *trusting* the decisions of those who represent them. This assumption is based on the *representative* claim of lottocracy: because the people who make up the assembly are a mirror image of society, everyone who is not selected has good reason to accept that the decision taken is actually in their interest. I discuss this concept of representation in more detail in the next chapter.

Finally, let us consider the extent to which it is problematic at the *epistemic* level to lose competent or motivated politicians in a lottocracy. This concern depends to some extent on the concept of representation that we take to be desirable in election-based democracies. Broadly speaking, politicians can be understood as *delegates* of their constituents or as *trustees* of them (Pitkin, 1972; Rehfeld, 2009). As delegates, they are supposed to behave as their constituents have instructed them to behave in the election. However, this concept of representation quickly reaches its limits. Many political issues and decisions were not foreseeable at the time of the election or were not the subject of election campaigns. For example, before 2020 no voter had given instructions to their representatives on how to act in the event of a global pandemic, or before 2022 in the event of a Russian war of aggression in Europe. This is why it is usually assumed that elected politicians are *trustees* of their constituents. Voters elect them because they agree with their political platform and general values, and assume that they share many of their views on other issues. Moreover, the next election gives them the opportunity to choose an alternative candidate if their representative does not meet their expectations.

Why is this concept of political representation as trustees rather than delegates important for the epistemic quality of lottocracy? The *epistemic* argument for equal participation of all citizens emphasises that decisions made by larger groups may be wiser than those made by smaller groups. It also emphasises that decisions will be more responsive to citizens' needs and

[14]We seem to need rules that classify a randomly selected assembly as representative or *unrepresentative.* I discuss this issue in detail in the next chapter.

perspectives if everyone is involved in making them. However, in representative democracy not everyone is actually involved in policy decisions. Everyone is involved in choosing the decision-makers. And the decision-makers are supposed to act in the interests of their constituents. But they cannot actually decide according to what every individual citizen would want. So it is not all citizens who make decisions in a democracy, but only a selected few. And the epistemic quality of those decisions depends much more on those selected few (and their advisors) than on the whole of society. In a lottocracy, it would still be a selected few who make political decisions on behalf of everyone. And they might be less educated, less interested, or less sensitive to diplomatic issues than the average elected politician. From this point of view, it seems that the loss of individual skills and ambitions of individual politicians can be a problem for lottocracy from an *epistemic* point of view.

On the other hand, the lottocratic assembly itself would be much more diverse than most elected assemblies are today. While the lottocratic assembly would of course be much smaller than society as a whole, it would still be a group of 300 people from very different backgrounds and with very different perspectives. This advantage has been discussed as the 'diversity trumps ability theorem'. While this is not uncontroversial, it plays an important role in justifying group decision making over decision making by a few experts. I discuss this in more detail in the next section. For now, let us summarise that, despite the loss of competence, replacing somehow competent or particularly qualified elected politicians with randomly selected laypeople may have two particular advantages. First, the inclusion of as many perspectives as possible can help to find solutions that no one person would have found individually, even if he or she is particularly competent in a particular area. And second, and more importantly in a democratic context, involving different perspectives is likely to increase the responsiveness of decisions to citizens' preferences. Involving more people with different preferences will lead to better consideration of those preferences than involving people who try to anticipate the preferences of their constituents. Ultimately, the acceptability of decisions depends on the fairness of the process by which they are arrived at and on the extent to which these decisions are responsive to the preferences of society. Whether lottocracy can indeed produce such responsive policies will be discussed in the next chapter. For now, let us summarise that lottocrats argue that lottocratic decisions will be acceptable for procedural reasons and because they generate policies in the interest of citizens. Proponents of lottocracy argue that randomly selected citizens and the deliberative process of lottocratic decision-making actually produce policy decisions that better reflect the needs and desires of society. I discuss this promise of lottocracy and the *epistemic* dimension of political equality in

lottocracy in more detail in the next section.

In summary, what can we say about the egalitarian quality of lottocracy in terms of political equality as a demand for the *acceptability* of decisions? Political equality in democratic decision-making is desirable because it gives those who are outvoted reasons to accept the decision of the majority. This instrumental benefit from the fairness of involving everyone equally in a political decision is an argument for political equality. In a lottocracy, not everyone is involved in political decision-making. Anyone who is not selected to the assembly has no formal influence on political decisions. Thus, the important fairness advantage of political equality is lost in lottocracy. However, this disadvantage may be outweighed by two fairness-related advantages of lottocracy. First, lottocracy distributes political influence equally and limits unequal political influence that exists for objectionable reasons. Political influence is the influence that people have on politics because of non-constitutional factors such as personal networks, charisma and wealth. Lottocracy breaks down structures that systematically give some people more influence over political decisions than others. Under the lottocratic assumption that everyone is equally capable of holding political office, and that there are only a limited number of offices available, distributing them by lottery is a very fair method of distribution. Thus, lottocracy distributes the *access* to political office equally, that is, it distributes the chances of decisive influence equally. And, importantly, it does not exclude people from influence for reasons beyond their control. However, lottocracy distributes the actual impact of all citizens unequally, because it deprives anyone who is not selected of any impact. I discuss possible remedies for this problem in Chapter 7. With regard to political equality, inequality of impact creates two problems for lottocracy: one concerning the acceptability of lottocratic decisions and one concerning their epistemic quality. Democratic decisions are generally considered acceptable even to those who disagree, because their opinions have been equally weighed in the final decisions. But in lottocracy, those who are not selected would have no say in political decisions. Therefore, the acceptance of political decisions in lottocracy will depend on whether or not people trust the decisions of their representatives as collectively acceptable policy decisions and as taken with their personal interests in mind. This hypothesis requires further elaboration, which I provide in Chapter 5. On the other hand, democratic decisions are considered acceptable even to those who are outvoted insofar as they are epistemically valuable: because they have been taken in the light of many and as diverse opinions as possible, and because they have been taken by carefully selected, specially qualified representatives. Considering this *epistemic* dimension of lottocracy, the acceptance of decisions could be reduced because the unequal influence that exists *for the right reasons*

would also be reduced. Since political representation in a democracy usually means acting *independently for others* rather than acting as they command, much depends on the individual characteristics of the representatives. In this respect, lottocracy might face some problems, since it does not select people with special qualifications and competences. However, this concern merges with the *epistemic* dimension of political equality to which I turn in the next section. In conclusion, lottocracy is promising from a fairness perspective because it equalises political influence regardless of people's initial positions in an inegalitarian society. However, this comes at the cost of reducing the acceptability and epistemic quality of lottocratic decisions. Both points require further evaluation.

4.3 The epistemic dimension of equality

Political equality is a desirable element of democracy for a third reason: because of its *epistemic* dimension. In short, in so far as it enhances the quality of a decision, the equal consideration of the opinions of all citizens in a decision is of instrumental value. And epistemic accounts of democracy assume that democratic decisions are indeed epistemically superior. The equal participation of all is said to increase the quality of political decisions in two ways: in terms of the *responsiveness* of the decision to citizens' preferences, and in terms of the *objective quality* of that decision. In this section, I analyse the extent to which lottocracy can be considered egalitarian in terms of these *epistemic* benefits of democratic equality.

Responsiveness is a relationship between input and output in policy making. It refers to the extent to which policy decisions (= output) are responsive to the views and needs of the citizens (= input) on whose behalf they are made. Lottocracy takes an epistemic rather than a procedural view of responsiveness. It assumes that policy decisions should not necessarily respond to citizens' *signalled* preferences, but rather advance their *informed* preferences. I introduced this distinction in the context of political representation above as the difference between subjective preferences and objective interests. Preferences are 'the subjectively held and expressed attitudes of one individual with regard to a certain topic.' In contrast, interests are what 'objectively advances a persons well-being.' In the following, I will refer to *informed preferences* rather than interests. Ideally, they are the same. However, lottocracy is not intended to be a form of technocracy, where scientific experts decide for citizens what is best for them. If citizens come to the decision that they want to support a particular choice A, even though objectively choice B would be better for the citizenry as a whole, considering, for example, future generations, then as

much as possible should be done to *inform* citizens in such a way that they rationally agree to support choice B. But if, for whatever reason, they come collectively and after deliberation to support choice A, then this should be considered the *informed* preference of those citizens. The ideal of lottocracy is to enable citizens to find their collective *interests* through the process of deliberation – not over their heads, but by involving them and their diverse preferences and enabling them to weigh these preferences in the light of the preferences of their fellow citizens and relevant scientific expertise. And if they decide to settle for options that do not promote their objective interests, but do so in a considered way, in a *democracy* no technocratic institution should oppose this. The assumption of lottocracy is that policy decisions are epistemically valuable if they reflect the informed preferences of citizens, rather than merely aggregating the individual but potentially uninformed preferences of citizens. In the following, this mechanism of promoting citizens' *informed preferences* is referred to as *responsiveness to informed preferences*:

Responsiveness to Informed Preferences A policy decision is *responsive to informed preferences* if it reflects citizens' *informed preferences,* which requires that a) citizens' *subjective* preferences are considered, and b) these preferences are considered in a process that allows citizens to revise them in the light of other people's preferences and scientific expertise.

This does not mean, however, that such policies that respond to *informed* preferences are in fact those that are objectively best for advancing citizens' interests. Informed preferences need not correspond to actual, objective interests. But since lottocracy promises to be a democratic process based on citizens' opinions and choices, rather than a technocratic or epistocratic form of government, even sub-optimal decisions will be considered to be responsive in the desirable way, i.e. responsive to informed preferences, if they are based on what citizens have expressed as their enlightened, considered preferences, taking into account the diverse individual preferences of other citizens, and taking into account scientific or otherwise relevant background information.

In contrast to such an informed interpretation of responsiveness, responsiveness in election-based democracy is usually understood in a more procedural way: policies should respond to *signalled* preferences of citizens. Such signals can be the vote of citizens in elections, but also the retrospective approval of a decision in upcoming elections, as well as less official signals such as opinion polls and manifestations. I introduced such merely aggregative responsiveness as *preference responsiveness* above:

Preference Responsiveness Policies that are in line with citizens' expressed preferences, i.e. that respond to formally or informally expressed opinions and attitudes, are *preference responsive.*

In election-based democracy, presumably preference responsive decisions can also be taken on issues that were not discussed or otherwise present in previous debates or election campaigns. Politicians can respond both to the actually expressed and to the *anticipated* preferences of their constituents. Such politics are usually also considered preference responsive. The forthcoming elections are assumed to be a moment when voters can evaluate the behaviour of their representatives and express whether their policies were responsive to *what the voters would have wanted if they had been asked.* However, all policy decisions based on informed preferences, whether actually expressed or counterfactually anticipated, always run the risk of being perceived as technocratic or paternalistic. I return to this issue in more detail in Chapter 6.

To what extent is lottocracy capable of generating responsive decisions? Can it take into account the opinions of *all* citizens and provide a procedure to generate preference responsive decisions? Or can it consider, discuss and inform the diversity of preferences in such a way that the decisions taken are actually responsive in a more epistemic sense to the *informed* preferences of society?

It is questionable whether lottocracy, as currently proposed, can do either of these things. In terms of preference responsiveness, it simply excludes too many people from the political process (Lever, 2023b). Guerrero suggests that there should be 'many' single-issue legislatures, each consisting of 300 people (Guerrero, 2014, 156). Even if we assume about 200 single-issue legislatures, a total of 6,000 citizens would be elected to policy-making positions. The remaining 331.8 million US citizens would have no influence on policymaking.[15] Other non-electoral forms of political participation would remain. People could go to demonstrations, attend town hall meetings or take opinion polls. But none of this has any *binding* influence on policy-making, especially without institutional accountability mechanisms such as the desire to be re-elected (for more on the issue of accountability, see Chapter 6).

Should we therefore regard the lottocratic proposal as incapable of generating responsive policies? In terms of preference responsiveness to the aggregated preferences of *all* citizens, it does indeed seem problematic. This is because lottocracy does not include a mechanism through which all citizens can express their opinions. I return to this issue in Chapter 7. However, the case for lottocracy rests primarily on its epistemic advantage of generating policies that are responsive to societies' *informed preferences.* And in terms

[15]Of course, these figures are at the national level. In addition, each state, county or city could have additional lottocratic assemblies for more local issues. Nevertheless, even in a small state like Rhode Island with a population of about one million, 994,000 of them would remain without official influence.

of responding to informed preferences, lottocracy seems quite promising. Lottocracy aims at a process that engages a representative sample of citizens and enables them to form *informed* preferences on the issues at hand. Let me briefly explain this epistemic promise of lottocracy.

Unlike electoral democracy, informed decision-making in lottocracy does not require that every citizen be fully informed about an issue and all relevant aspects of that decision. Lottocracy elects a random sample of society that reflects society and its preferences as closely as possible. Again, this promise requires that all those selected take office, an issue I discuss in the next chapter. If everyone who is elected in a lottocracy participates in the lottocratic assembly, then, it is assumed, the diversity of preferences present in society will be present in the assembly. And the members of the lottocratic assembly will then be placed in a situation where they exchange their perspectives, hear from experts on the subject, confront these experts with their needs and concerns, deliberate among themselves, and *then* come to form their *informed preferences.*

To some extent, a similar process should take place in electoral democracies. In elections, voters express their uninformed preferences. Ideally, of course, they would take the time and effort to find their informed preferences. But given the large number of voters and the comparative insignificance of each vote, it is rational not to invest too much time in pre-voting information (Somin, 1998). The task of making informed decisions in line with what voters *should* support is then delegated to elected representatives. And it is also the task of these representatives to justify their decisions to the voters and to explain to them why what they have decided is indeed in line with their preferences, or at least would be in line with their informed preferences. But the problem with elected politicians, at least in electoral democracies as they currently exist, is that representatives are simply too different from voters. They simply lack the overlap and understanding of the preferences and personal needs of their constituents. In many cases, they make decisions based on factual arguments and rational considerations, but not sufficiently informed by the actual needs and living conditions of their constituents. And voters do not pay enough attention to the explanations given by their representatives, or are influenced by the media or peer groups in such a way that they feel they have not been properly represented.

This discrepancy can be bridged by lottocracy. Lottocracy enables people to understand and consider the relevant information before making a decision. And, importantly, these people are *like* those for whom they are deciding. Thus, decisions made in lottocracy are better able to consider *actual preferences* and relevant facts for a decision. Decision-makers in lottocracy do not need to anticipate or guess what the general public thinks or feels about

an issue. Instead, a wide variety of preferences and opinions *as they exist in society* are also *actually present in the decision-making assembly.* And this mechanism simultaneously offers opportunities for responsiveness and to reduce manipulation of voters. In electoral democracy, it is relatively difficult to prevent private interests from influencing media coverage and public debate, to prevent voters from being targeted with selected information, and to compensate for different levels of education. To these ends, the deliberative process in lottocracy offers opportunities to enlighten a representative sample of average citizens in such a way that they find their *informed preferences* as a combination of (1) their personal, subjective preferences, (2) relevant factual and scientific information, and (3) the opinions of their fellow citizens. Such well-considered, well-informed and yet personally coloured decisions are the specific epistemic advantage of lottocracy. Lottocracy is better able to transform personal preferences into informed preferences without being technocratic. Decisions in lottocracy are informed by experts, but they are made by citizens in the light of their personal needs and life circumstances. Therefore, in terms of generating decisions that are epistemically valuable because they correspond to *citizens' informed preferences*, lottocracy is very promising.

But the epistemic advantage of democratic decision making does not only result from generating informed and enlightened decisions, but also from involving as many citizens as possible in decision-making. In this regard, lottocracy fares worse than election-based democracy. In lottocracy, the opinions of many people who are not selected to the assembly are effectively lost. Conversely, in election-based democracy, all citizens have the opportunity to express their preferences, to some degree, during election season. Nevertheless, those selected through lottocracy are more diverse and better represent the diversity of opinions in society as a whole. Thus, even without the input of all citizens, lottocracy is well-positioned to address the opinions of a significant number, ideally all, citizens. This leads us to the second dimension of the epistemic quality of democracy, which involves not only the responsiveness to all preferences, but also the consideration of many *diverse* perspectives.

This second epistemic advantage of political equality derives from the *diversity* advantage of including as many opinions and perspectives as possible. In election-based democracy, everyone can express their preferences at the moment of voting. At this point, it is usually argued, the 'wisdom of crowds' pays off. Under certain conditions, in certain circumstances, larger groups are better able to make the right decisions than smaller ones. And many defenders of the epistemic advantage of democracy have argued that such conditions are in place in democracy.

There are two aspects to the wisdom of crowds argument. One is the

mathematical observation that larger groups are very likely to find a correct answer. Such theorems are known as *jury theorems* (Dietrich and Spiekermann, 2023). One of them, and perhaps the most cited, is the *Condorcet Jury Theorem* (Condorcet, 1785). It states that if each member of a group has a probability greater than 0.5 of knowing the correct answer, then the probability that a majority of the group will make the correct decision approaches one as the group gets larger. For example, if an individual has a 0.55 chance of knowing the correct answer to a binary question, then obviously she has a 0.55 chance of getting the answer right. But if all the members of a group of 25 people each have a 0.55 chance of knowing the correct answer, then the chance of the group (i.e. more than half the members of the group) getting the answer right is >0.7. With a group size of >2000, the chance of the group as a whole getting the answer right is already close to 1 (Dietrich and Spiekermann, 2023). However, the Condorcet Jury Theorem is of limited use in the context of political decision-making for three reasons. First, a condition of the original theorem is that each individual juror's probabilities of getting the final decision right or wrong are *independent.* The theorem assumes that all jurors vote individually, without knowing how other jurors have voted. This is not the case in democratic decision making. There is a lot of debate about different policy options, and almost no voter makes a decision *independent* of what other people think. Second, the theorem applies to binary decisions with a right and a wrong answer. Most political decisions do not have this structure. Instead, they involve choices among a range of alternatives and trade-offs. To apply Condorcet's jury theorem to political decisions, the options to be voted on would have to be reformulated as binary choices rather than, for example, choices between several different candidates.[16] Moreover, it is not clear that a policy decision can be 'right' or 'wrong' at all. The quality of policy decisions often cannot be judged independently of the cultural background, economic circumstances and other specific local aspects. A decision that is right for one problem at one time and in one country may not be right for the same problem in another country. Third, it is questionable why each individual should have a probability of >0.5 of knowing the correct answer. Especially in contemporary societies with mass media, social networks, advertising and many other (manipulable) influences on citizens' opinions, it is a rather controversial assumption to assume that everyone has a tendency to know the right answer. This brings us to a final concern with the jury theorem as an argument for the epistemic quality of larger groups. It is important to stress that the jury theorem also

[16]For an extension of the jury theorem to non-binary choices and the general epistemic advantage of decisions by larger groups, see List and Goodin (2001).

holds in the opposite direction: if each individual has a slight tendency to know the *wrong* answer, then a sufficiently large group will choose the wrong answer with a probability approaching one. Especially given the influence of social networks and filter bubbles, it would be dangerous to assume that the benefits of smarter decision making by large groups cannot easily be translated into manipulated and less intelligent decision making by large groups. For these reasons, the relevance of Condorcet's jury theorem as an argument for policy-making in democracy by larger rather than smaller groups is questionable (Siscoe, 2022).

Moreover, it should be noted here that the implications of the jury theorem are relevant to *direct* decision making in democracy rather than *representative* decision making. The quality of democratic decisions is an interaction between all voters and their representatives. Voters alone, at least in representative systems, are not enough to make good or wise policy decisions. Indeed, their power over actual policy is limited. They are heavily dependent on the decisions of their elected representatives. Ideally, these representatives should be trustworthy, responsive and intelligent, taking into account both the will expressed by their constituents and other available evidence, ideally objective, scientific and well-reasoned, before making a particular decision. If this is the case, then these representatives should have a probability of making the right decision well above 0.5. In any case, in representative democracies it is not the whole population that decides, but a small group of (s)elected politicians. And this is true of both election-based and sortition-based democracy.

Although the applicability of wisdom-of-crowds arguments in terms of large numbers is questionable with regard to democracy, there is a second aspect of the wisdom of crowds argument that is particularly relevant to lottocracy: the so-called *diversity-trumps-ability theorem*. The basic assumption of this theorem –and empirical evidence proves many successful applications of this advantage– is that *cognitive* diversity, i.e. differences in the way people think, reason and solve problems, improves the problem-solving ability of groups (Landemore, 2013; Page, 2017). In the context of lottocracy, it is important to emphasise this focus on *cognitive* diversity rather than just *demographic* diversity. Both are important. And to some extent they overlap. However, the aim of having diverse groups in decision-making is not primarily one of social justice, representation or inclusion. The aim is rather to have as many and as different perspectives as possible. Each individual group member will have their own experiences, their own approaches to problem solving, and their own factual knowledge. And this cognitive diversity produces decisions that take into account more aspects, more possibilities and more possible concerns than decisions made by less diverse groups.

In election-based democracies, this diversity dynamic is harnessed at the

moment of election. Here, it is said, large and cognitively heterogeneous groups can express their opinions and perspectives. However, what they can actually express is very limited. They can choose between different parties, different candidates and different political platforms. The actual decision-making body in elected parliaments is in most countries cognitively less diverse than the larger society. On the one hand, of course, because it is simply a smaller group. But also because this group is in most cases much less heterogeneous than society.

In lottocracy, the loss of cognitive diversity between society as a whole and the selected group is less severe. Of course, the selected group is still only a fraction of society as a whole. But in terms of cognitive diversity, this fraction is much more similar to society than elected parliaments are. In terms of the *diversity-trumps-ability* advantage of large groups, lottocracy clearly outperforms electoral democracies.[17] The diversity trumps ability theorem has been mathematically proven, but this proof is limited to rather narrow assumptions that make the applicability of the theorem to democracy questionable (Hong and Page, 2004; Sakai, 2020). However, it has been suggested that the better and less controversial interpretation of the theorem is that *'in problems where there are no real experts, it is a diverse group that typically does best'* (Holman et al., 2018, 266). In many cases, policy problems are just that: problems that are not confined to a single area of expertise, and which, especially in light of the requirement to be responsive to citizens' perspectives, need to consider *the people* as experts, not just those who can demonstrate academic expertise on particular issues. In democratic decision-making, neither perspective should be excluded: not that of scientific experts, nor that of citizens. And in terms of the epistemic advantage of including as many affected perspectives as possible, lottocracy looks promising. In particular, it allows the right questions to be asked, the questions that will ensure in the long run that policy decisions are in the interests of citizens, because citizens themselves are involved in the decision-making process.

I noted above that responsiveness, as understood here, requires *considering the subjective preferences of citizens* and providing a process that transforms them into *informed preferences.* To *consider* citizens' preferences, we must first *know* them. And we can *know* them by enabling people to *articulate* them. And this is done more effectively by giving people a forum to speak

[17]Critics might object that this is only a contingent, not a necessary, flaw of elected parliaments. Indeed, it is not a feature of ideal democracies that parliaments need to be homogeneous. But the very process of standing as a candidate, of considering oneself worthy and capable of political participation, is already a first filter that will screen out a large group of people whose perspectives will be lost in elected parliaments, even if they become more diverse than they are now.

than by giving them a ballot to tick a few boxes every few years. Again, lottocracy does not provide this forum for every citizen. But it does provide this forum for a diverse and representative sample of society.[18]

Finally, let me summarise the egalitarian quality of lottocracy in terms of the *epistemic* dimension of political equality. Political equality is a desirable feature of democracy because, in addition to the moral and fairness benefits discussed above, it has another *instrumental* benefit. On the one hand, involving everyone makes it more likely that *responsive* political decisions will be made. On the other hand, involving everyone is supposed to increase the chance of generating *smart* or objectively good policy decisions on problems where there are no real experts. Lottocracy has a problem generating *responsive* policy decisions because it simply takes into account the opinions of too few people. Those who are not selected have no institutionalised influence on policy-making. So in terms of the *epistemic benefit of large numbers* that comes from a process that involves everyone equally, lottocracy loses a lot of potential by simply involving too few people. However, lottocracy is well placed to make *informed* policy decisions that respond to *informed preferences* because it involves cognitively very diverse people. The diversity of these people also alleviates, to some extent, concerns about the lack of preference articulation of *all* citizens. In a homogeneous group, it takes a lot of external input for the group to know what the people it is supposed to represent think about certain issues. An elected assembly of middle-aged white men needs a lot of input to know what other members of society –women, migrants, younger people– need or want. But in a heterogeneous group, where more of these perspectives are already present, fewer input mechanisms are needed to include the wide range of possible perspectives. So in terms of the *epistemic benefits of diversity*, because the process involves as many different perspectives as possible, lottocracy promises to do quite well.

In this chapter I have argued that lottocracy scores very well on the *expressive* dimension of political equality. It regards everyone as capable and worthy of holding political office, and it distributes access to political office equally. In this context, lottocracy is particularly promising as a remedy for existing inequalities that make it more difficult for some people to stand for election than for others. But lottocracy has some problems with the *acceptability* and *epistemic* dimensions of political equality. Lottery is a *fair* distribution process, assuming that a limited number of seats are available and that everyone has an equal claim to these positions. But whether people accept the decisions of a political assembly is only partly a matter of procedure.

[18]Whether or not such a sample is sufficient to deliver on the lottocratic promise will be discussed in the next chapter on *representation.*

It also depends on the quality of the decisions taken by that assembly. And that, in turn, is a question of the responsiveness of those decisions to the input articulated by those who are supposed to be represented. In terms of responsiveness, lottocracy has the advantage of involving cognitively diverse people in the decision-making process and of enabling diverse people to find their *informed* preferences. But lottocracy lacks mechanisms to allow everyone who is not selected to the assembly to articulate at least their uninformed preferences. I have argued that this is problematic for the acceptability and epistemic quality of lottocratic decisions.

To assess whether lottocracy is an *alternative* to democracy or a possible interpretation of democracy, we consider four necessary elements of democracy: political equality, legitimate representation, accountability between representatives and represented, and participation. I have now evaluated lottocracy in terms of political equality and concluded that while lottocracy is promising in terms of the *expressive* value of political equality, it is problematic in terms of the acceptability and epistemic benefits associated with political equality. However, neither does electoral democracy in its current form fully meet these requirements, and practical adaptations of the lottocratic system, as Guerrero suggests, might help to alleviate the shortcomings identified here. Rather than leading us to reject the lottocratic proposal, I hope that the previous chapter can serve to point out weaknesses that need to be improved in order for lottocracy to be considered a form of democracy in the sense that it is a system that enables citizens to govern themselves. In the next chapter, I turn to another necessary aspect of democracy, namely the representative relationship between those who are elected and those they are supposed to represent. I analyse how the lack of general participation identified above is justified by lottocrats, and why lottocratic decisions are still assumed to be representative of the interests of the larger society.

Chapter 5

Lottocracy and representation

Abstract

Political representatives should advance the interests of those they represent. In this chapter, I analyse the extent to which lottocracy fulfils this desideratum. I show that instead of *electing* representatives, lottocracy tries to find *gyroscopic* and *indicative* representatives through lottery selection. Such representatives know from within what their constituents would want and indicate to them what is in their interests. However, both promises rely on a *completely random* selection of representatives. Yet most contemporary citizens' assemblies use stratified selection. I argue that stratified selection is problematic in terms of representation. Based on this observation, I discuss three potential arguments that lottocrats might use to defend compulsory participation: a sabotage argument, a democratic principle argument, and a shared responsibility argument. None of these arguments can justify compulsory participation. In order to defend lottocratic representation as *democratic* representation, lottocrats will have to respond to the identified shortcomings. The democratic legitimacy of lottocracy derives essentially from broad participation. Stratified selection is not sufficient to fulfil this ideal.

5.1 (S)electing political representatives

Lottocracy would not be a form of *direct* democracy, but a representative system: a few selected political representatives are supposed to act on behalf of society as a whole. I argued earlier (3.3) that political representation should ideally be understood as acting in a way that promotes the *informed preferences* of as many of those represented as possible. In an electoral democracy, representatives have to anticipate what these informed preferences

would be. In effect, they can only respond to the *expressed* preferences of their electorate. In this chapter, I will show why lottocracy is better able to advance people's *informed* preferences, even without them being expressed.

In election-based democracy, representation is a principal-agent relationship resulting from delegation. All citizens elect a limited number of representatives to act on their behalf. It is in this appointment of *representatives* that democracy and elections are usually associated: it is commonly assumed, and current practice, that political representatives should be chosen in *elections* in order to fulfil the ideal of self-government. Representation in a lottocracy, on the other hand, is based on group-group representation. Society as a whole elects a group to represent it. And the mechanism for selecting this group is through a lottery among all citizens. Within the selected group, each individual supposedly represents those members of society who share his or her interests. Representatives in lottocracy receive no directed mandate, they do not even know exactly who they are representing. Conversely, the represented citizens do not necessarily know who represents them. Instead, the selected are supposed to act *in their own interests,* that is, on the basis of what they believe to be the best decision after participating in the information and deliberation of the assembly. In this section, I will briefly contrast the concepts of representation that underlie the *election* of political representatives with the alternative concepts of representation used in lottocracy. I will describe elections as generating *promissory and anticipatory* representation and lottery selection as generating *gyroscopic and indicative* representation. Based on this altered mode of political representation in lottocracy, I will discuss in the next section the extent to which it serves the goal of generating *interest-responsive* policies.

Representation through elections has been analysed as a multifaceted concept (Przeworski et al., 1999). It has long been assumed that elections mainly produce *promissory* representation. According to this account, representatives are elected on the basis of what they *promise* to do on behalf of their constituents. Both empirical scholars and normative theorists now agree that additional mechanisms contribute to the concept of *political representation.* Mansbridge (2003) argues that in addition to promissory representation, elections generate *anticipatory, gyroscopic,* and *surrogate* representation. Anticipatory representation refers to the fact that politicians anticipate what their voters would approve. Because they are seeking re-election, they act on what their constituents would want. Gyroscopic representation refers to the fact that politicians know *from within* what their constituents want. Like a gyroscope, they spin on their own axis, representing the interests of their constituents without outside input or control. Finally, surrogate representation refers to the fact that certain people or their interests are represented by peo-

ple other than their elected representatives. Minority interests, for example, will be present and articulated in political decision-making if a representative of that minority is present. However, people who are only represented by surrogates have little or no control over how they are represented and have no way of holding those representatives to account.

Elections are important in the voter-representative relationship in two ways: prospectively and retrospectively (Fearon, 1999). Through elections, voters can *prospectively* influence who they want to be represented by. The reasons for supporting a candidate can be many and varied. For example, candidates may be particularly competent, charismatic, altruistic, or similar to the voters in relevant ways. Moreover, elections provide voters with a kind of *retrospective* control over their representatives. The anticipation of upcoming elections is supposed to motivate politicians to keep their campaign promises or to respond to their constituents' preferences. Otherwise, the voters have the power to remove them from office. Thus, representatives are motivated to anticipate what their voters will retrospectively approve. Based on this observation, representation via elections has been characterized as *promissory* and *anticipatory.*

In lottocracy, and in sortition-based representation more generally, these two mechanisms cease to exist. Those who are not selected have no say in who is chosen to represent them, and they have no mechanism to influence the behaviour of those who are selected, because these people do not seek re-election. What are currently voters or constituents become *represented* without any formal influence on those who supposedly represent them. Is the absence of such mechanisms a problem for lottocracy? Can those who are selected still be said to represent society in terms of advancing the interests of those they represent? To answer these questions, we need to elaborate on the concept of representation present in lottocracy.

Unlike elected politicians, the randomly selected members of the lottocratic assembly are not ordered to act in a particular way. They announce no political programme in advance and receive no mandate for action. Instead, the selected people are supposed to act according to their own informed preferences. As pointed out in Section 3.3, preferences are a person's subjectively held attitudes as opposed to her *interests,* i.e. what promotes her objective well-being. Since political representation is about agreeing on concrete policies, I will focus on preferences rather than beliefs. Individual beliefs shape a person's preferences. Since policies deal with concrete issues, it is more important here to focus on people's preferences on those issues rather than their general beliefs. Ideally, policy decisions should promote the interests of voters. However, a system that advances citizens' interests over their expressed and informed preferences is epistocratic or technocratic rather

than democratic. In what follows, I take the promotion of people's *informed preferences* to be the threshold of democratic political representation. This can be done either by responding to people's informed preferences or by helping them to find their informed preferences.

The lottocratic assembly is supposed to be representative of society as a whole: it is supposed to be a miniature which reflects society as closely as possible in terms of diversity of attitudes, beliefs, characteristics, experiences and needs. The opinions expressed by the randomly selected are assumed to be representative of the opinions held by society as a whole, *without* any prior instructions on how to behave. The aim of such *descriptive* representation is to *mirror* the preferences and beliefs of a larger group in such a way that inferences about the larger group can be drawn from the smaller sample. However, I am going to point out in a moment why lottocracy does not deliver on this promise. It can try to correctly reflect demographics or living conditions, but it is unlikely to correctly reflect the beliefs and preferences of a society.

If a smaller sample correctly represents certain characteristics of a larger population, it is considered *statistically* or *proportionally* representative (Pitkin, 1972, 61). The promise of random sampling is that it will produce a representative sample of society if sufficiently large samples are drawn, depending on the population to be sampled.[1] Random lotteries promise to produce a portrait of society at large "ensuring a statistical similarity in the thoughts and preferences of the rulers and the ruled" (Landemore, 2013, 108).

One promise that lottocrats and proponents of sortition ascribe to proper descriptive representation is that representatives will 'know from within' what the represented would want or need because they are *like* them in relevant respects. Mansbridge (2003) has described such representation as *gyroscopic*. According to her, elected representatives who are *like* those they represent require less external control and signals about preferred policy choices from their constituents. I will discuss the practical issues associated with gyroscopic representation in a moment, but first let us clarify the underlying theoretical concept. In

Gyroscopic representation

> representatives act like gyroscopes, rotating on their own axes, maintaining a certain direction, pursuing certain built-in (although not fully immutable) goals. (...) These representatives are not

[1]The correct calculation of the required sample size depends on several factors, such as the estimated distribution of the characteristic being studied, the acceptable rate of error, and practical feasibility. For more information see e.g. Akremi (2022).

> accountable to their electors in the traditional sense. In this case, the representatives act only for 'internal' reasons. Their accountability is only to their own beliefs and principles. (Mansbridge, 2003, 520)

The concept of gyroscopic representation assumes that the represented can trust the representative to act on their behalf. Even without an external mandate or control, gyroscopic representatives advance the preferences of their representatives because they *know* those preferences from within, because they *share* those preferences. Gyroscopic representation helps to understand one important aspect of representation in lottocracy:

> in gyroscopic representation, the voter may select a representative only because both voter and representative share some overriding self-interested goal, such as lowering taxes. Or the voter may select a representative with many of the voter's own background characteristics, on the grounds that such a representative will act much the way the voter would if placed in a legislature. The point for the voter is only to place in the system a representative whose self-propelled actions the voter can expect to further the voter's own interests. (Mansbridge, 2003, 522)

With regard to representation in a lottocracy, the possibility of gyroscopic representation has been questioned because of the large numerical discrepancies between principals and agents. It is impossible for 300 members of a single-issue legislature to be as diverse as a society of, say, 68,000,000 or 83,000,000 people, as in France or Germany. But such numerical discrepancies are a general problem of political representation and not limited to sortition. Guerrero makes exactly the same criticism of representation through elections (Guerrero, 2014, 150). In Germany, some 750 elected politicians are supposed to represent 63,000,000 eligible voters. Mathematically, each member of parliament represents about 85,000 people. Even if they all voted for his party programme, they will not all have the same preferences. Representation will always have to strike a balance between ideal coverage and practicality. However, numerical discrepancies may turn out to be a bigger problem in lottocracy than in electoral democracy, not so much because of the way representatives are chosen, but mainly because almost all citizens lack mechanisms for participation. I return to this issue in Chapter 7.

On the gyroscopic reading of representation, a sensible way of choosing a representative is to choose someone who essentially shares our own views.[2]

[2]Note that it is very difficult to know and properly sample someone's *views and opinions*,

By choosing someone with similar needs, desires and attitudes to ourselves, we can increase the likelihood that he or she will stand up for *our* attitudes without any external inducement or control. If that representative supports a particular policy in order to advance her *own* interests, we have reason to assume that this decision is also in *our* interests.[3]

Gyroscopic representation has three advantages over promissory representation: it focuses on responding to the actual preferences of the represented rather than making people think their preferences are being promoted[4]; it requires less attention and control by the represented; and it has an *indicative* function for which decisions represented rationally *should* approve.

This third advantage, the *indicative* function of gyroscopic representation, is important for understanding the concept of representation present in lottocracy. The concept of indicative representation changes the direction of the representative relationship. Many models of political representation focus on the concept of *delegation*: they assume that political representatives are delegated, that they are agents and that citizens are their principals. The *indicative* interpretation of representation reverses this interpretation: rather than being delegates, representatives are seen as *indicators* of what the represented want. Whereas delegated representatives are supposed to respond to the mandates they have received and to the expressed preferences of their principals, indicative representatives are supposed to *indicate* what would be in the interests of the represented in the first place. According to Pettit

> The essential difference between responsive and indicative representation is easily stated. In responsive representation, the fact that I am of a certain mind offers reason for expecting that my deputy will be of the same mind; after all, she will track what I think at the appropriate level. In indicative representation things are exactly the other way around. The fact that my proxy is of a

rather than just their living conditions or demographics. I will return to this issue in more detail in the next Section 5.2.

[3]Empirical research supports Mansbridge's theoretical concept of *gyroscopic* representation in elections. Bernstein (1989) and Kingdon (1981) suggest that the best way to influence policy and be properly represented is to elect a representative with similar views to your own. Fearon (1999) argues that in many cases voters choose trustworthy, good *types* of people as politicians in order to reduce the need for retrospective evaluation and sanction. However, more recent literature suggests that gyroscopic representation is barely present in contemporary democracies because elected candidates differ significantly in their attitudes and interests from those they are supposed to represent (Guerrero, 2014; Jacobs and Shapiro, 2000).

[4]Jacobs and Shapiro (2000) argue that elected politicians focus more on making people believe that policies are in their interests than actually implementing responsive policies.

> certain mind offers reason for expecting that I will be of the same mind; that is what it means for her to serve as an indicator rather than a tracker. (Pettit, 2010, 427)

To realise the promise of indicative representation, a representative committee must reflect society in such a way that the preferences, demographic and personal characteristics are not only *represented*, but actually *present* in the committee in question. The argument for such indicative representation emphasises that the aim is not to select representatives who act in response to the opinions of those represented, but to select representatives in such a way that those represented have reason to believe that *they would have had the same attitudes had they been given the same information and participated in the same decision-making process*. This is what lottocracy aims to achieve.

The concept of indicative representation adds another important aspect to the concepts of descriptive and gyroscopic representation, because it includes an educational or informative dimension. According to the concept of indicative representation, descriptively representative agents not only increase the likelihood of sharing people's preferences. More importantly, they should be able to promote people's interests.[5]

In a democratic system, however, it is important that the political decisions that are supposed to advance people's interests are not imposed on them in a paternalistic way. People will not feel self-governed if government repeatedly acts against their expressed will. Ideally, citizens themselves should come to agree that a particular policy decision is good or in their interests. Mansbridge (2003, 517), therefore, stresses that government responsiveness should be oriented towards advancing citizens' interests understood as their *updated, enlightened* preferences. The *indicative* concept of representation is more promising in this respect than promissory, election-based representation for two reasons. On the one hand, because representatives are not bound by prior, often uninformed mandates from their constituents. Elected politicians seek the retrospective approval of their electorate. They therefore have an incentive to behave and take decisions in a way that would be approved by their electorate. However, many voters' opinions are heavily influenced by media coverage of issues, rather than being based on a thorough assessment of alternatives. Even if elected politicians come to regard a policy option as preferable in the light of their personal opinions or the relevant facts they have

[5]Remember that 'preferences' are subjectively held and expressed attitudes, whereas 'interests' are what more objectively promotes a person's well-being. The assumption of lottocracy is that representation should focus on promoting objective interests rather than subjective preferences. See Chapter 3.3 for a more detailed elaboration of interests as opposed to preferences.

studied, their decision-making behaviour is likely to be heavily influenced by what is helpful for their re-election.

Randomly selected representatives, on the other hand, enter the lottocratic assembly with *beliefs and preferences* that are a descriptive sample of the beliefs and preferences present in society. Through an extensive discussion and deliberation phase, they are enabled to know their *interests* in the light of their personal opinions and relevant scientific facts. Through this process they are enabled to *update* their opinions in such a way that their *informed preferences* merge their previous, uninformed preferences and what they have come to know about their objective interests in the light of factual information and the views and needs of their fellow citizens. For all those who were not selected, the fact that some randomly selected people who shared their preferences prior to a discussion, combined with the fact that they are *like* them in other relevant respects like age, living conditions, values and beliefs gives them reason to believe that they would have come to the same conclusion had they been given the same information. In other words, the fact that a randomly selected proxy updates her preferences on a particular issue gives the represented reason to update her preferences as well. Especially when combined with good public communication, the concept of indicative representation has an educational function, helping people to know what is objectively good for them *and* acceptable to them in light of their personal preferences.

This indicative function of representation results from the descriptive similarity of represented and representatives, but also from the fact that randomly selected citizens would less likely be manipulated by economic or otherwise influential elites. On the one hand, because the short term of office and the frequent rotation of participants make it more difficult to establish long-term relationships between elected officials and private interests. At the same time, the randomly selected would not be dependent on private sponsors and donations for election campaigns or parties, as party politicians are. This makes it easier to control the flow of money between private individuals and elected representatives (Abizadeh, 2021; Guerrero, 2014).

Owen and Smith (2018) are sceptical about the assumption that randomly selected representatives will be less captured. They stress the importance of frequent rotation of members of randomly selected bodies, even to the extent that citizens are only assigned to the issues to be dealt with at very short notice, as was the case with the assignment of jurors in Athenian democracy, who were assigned to cases on the morning of the trial, immediately before entering the courtroom. But while this proposal is very plausible in terms of the manipulability of randomly selected representatives, it has serious implications for the epistemic quality of the decisions they can make. Most

policy issues are so complex that a great deal of time is needed to consider all relevant perspectives in order to arrive at a well-informed and reasonable decision. This, in my view, clearly argues against too regular rotation. Leaving people in a position to engage with a single issue for too short a time would increase the influence of advisers, facilitators and organisers, as people would not be able to form a proper personal opinion on the issue and all related facts and options.

It is important to install as many and well-designed mechanisms as possible to prevent the capture of randomly selected representatives (just as it would be necessary to install many more mechanisms to prevent the capture of elected representatives). But I think that the question of the extent to which randomly selected people would or would not be captured cannot be settled on a theoretical level. The current citizens' assemblies have not shown serious attempts to manipulate and capture. But they were very different from an empowered, permanent lottocratic assembly: they met for one day to a dozen weekends at most, and their decisions were not binding without further approval by elected politicians or the general public. To properly assess the risk of capture, we need to watch carefully what happens when the first more authoritative citizens' assemblies are convened.

Notwithstanding this rather speculative assessment of external influence on citizens' assemblies, there is an important advantage in terms of the manipulability of members of a lottocratic assembly that needs to be emphasised especially in the training phase of the selected members and throughout their deliberations and decision-making: selected citizens return to their former lives sooner rather than later (in Guerrero's proposal, after three years). At the same time, it might be possible to prevent them from taking up positions resulting from their previous membership of the lottocratic parliament for several years after their service (just as it should be possible to prevent elected politicians from taking up such positions for some time after the end of their term). Since randomly selected representatives return to their former lives, including their former salary and their former friends and neighbours, it would be irrational for them to act against their own –past and future– interests while in office.

Elected politicians tend to be wealthy and highly educated themselves. Promoting policies in the interests of wealthy sponsors, such as tax cuts for high earners, is in many cases also in their own interests. Therefore, it does not take much to persuade elected politicians to support such policies as low taxes for high earners, when they themselves benefit from such decisions. All they have to do is make their voters believe that the decision is without alternative or in their interests too. By contrast, promoting policies in the interests of a few wealthy people would be *against* the personal interests of most ordinary

citizens who participate in a lottocratic assembly. Bribery and manipulation would have to be significant to persuade citizens to act against their personal interests. And such large bribes would be easy to detect. Lafont (2020) argues that those who are selected into the lottocratic assembly are *no longer* like those they are supposed to represent because they are put into a powerful and decisive position which makes them essentially *different* from the rest of society. But this criticism neglects the fact that people will only be in this influential position for a very limited period of their lives, while they will be back in their 'old lives' for a much longer time than the short period of their service.[6] On this assumption, it would be irrational of the selected to advance policies that are against their own interests. Therefore, manipulation of randomly selected ordinary citizens is less likely than manipulation of elected politicians, who are often demographically different from their constituents. The assumption of gyroscopic representation is that those who are represented in the lottocracy can trust that their representatives are not captured by financial influences, but actually *indicate* what is in the interests of themselves and their fellow interests – because their decisions are also in their own interests, at the latest when they return to their former lives.

The transition from responsive to indicative representation becomes particularly interesting in light of the constructivist turn in political representation (Castiglione and Pollak, 2019; Disch et al., 2022; Saward, 2006). The central assumption of constructivist theories is that in many cases the preferences of the represented are shaped and found *through* representation, rather than being given *prior* to representation. Constructivists question the commonly hold assumption that good policy-making should be *responsive* to citizens' expressed preferences. Instead, they claim that citizens only come to have opinions on certain topics *through* the act of representation. Given the complexity of policy making, policies should not respond to people's uninformed preferences (Estlund, 1997, 2008). Ideally, democracy enables people to hold informed opinions on complex issues. And constructivists claim that on many policy issues people do not have opinions at all, but that it is only through their representatives that they come to have opinions on certain issues (Saward, 2006). In order to reliably construct representative claims which indeed mirror the preferences and perspectives of societies, *indicative* representation is more promising than *responsive* representation. And since lottocracy selects a descriptively representative sample of society and combines this selection with informed deliberation, the mechanism promises to

[6]This point, however, speaks against paying these people very high salaries (as suggested by Guerrero (2014)) which would in fact make them substantially different from the position they were in before their appointment. This issue requires further discussion, if we come to find it desirable to implement lottocracy as an alternative to election-based democracy.

indeed generate such indicative representation.

In summary, the promise of *gyroscopic, indicative* representation is twofold: On the one hand, representatives will know and honestly promote the interests of their principals because they overlap or coincide with their own interests. And on the other hand, the represented will have reason to accept the decision as being in line with their *informed* preferences because someone who is like them in relevant ways has come to support it as the best compromise. A general distrust of elected politicians as misrepresenting or deceiving the represented can be overcome in lottocracy if the lottocratic assembly is sufficiently diverse, descriptively representative, and not manipulated or blackmailed. In order to realise the potential benefits of indicative representation, a high degree of transparency about the composition of the assembly, the reasons for decisions taken and the compromises agreed is necessary (Mansbridge, 2019). If people can understand the discussion that led to a decision and the reasons for that decision, and if they feel that their views and preferences have been adequately represented, they can assume that they would have agreed to the same decision if they had participated in the discussion.

5.2 A trade-off: obligation or stratification

To realise the promises of *gyroscopic* and *indicative* representation, the lottocratic assembly must be a descriptively representative sample of society. One way to generate such a descriptively representative sample is to select a sufficiently large sample *randomly* from the total population.[7] But such a sample can only fulfil the promise of gyroscopic and indicative representation if everyone selected actually participates. This is not the case with the citizens' assemblies and mini-publics currently in operation. Participation is voluntary and many of those selected do not take part. Indeed, in several cases the return rate has been as low as 5%. To compensate for this deficit, a mechanism common in the social sciences is used: *stratified* random sampling.

[7] Gabler and Quatember (2012) point out that there is no such thing as the mathematics of representation in empirical social research. In order to accurately represent and learn about *all* characteristics and attitudes of society, *all* members of society would have to be included in the sample being studied. There is no mathematical formula for knowing exactly how large a group needs to be in order to make accurate inferences from the small to the large. Empirical social research and the mathematics of statistics show that samples can indeed be chosen in such a way that the deviation between the sample and the population is minimal. But this requires at least an exact definition of the criteria that are supposed to be sampled correctly. I will show in the following that these criteria cannot be defined clearly in lottocracy which makes adequate representation of all relevant characteristics and beliefs of society unlikely.

Most current citizens' assemblies select participants in a two-stage, stratified selection process. In the first step, randomly selected people are asked if they would be willing to participate in general. In the second step, a descriptively representative sample is selected from all those who have agreed to participate, according to pre-defined criteria. Standard criteria are gender, age, race, highest level of education, income and place of residence. In essence, only the first selection step is truly random. The second selection, which leads to the actual mini-public or citizens' assembly (or potentially to a lottocratic parliament) is a stratified selection by an algorithm rather than a random lottery selection. Since participation is not compulsory, the use of selection quotas is necessary to ensure sufficient diversity among those selected. Nevertheless, the use of stratification quotas is problematic and undermines the gyroscopic and indicative promises of lottocratic representation. Firstly, because it is based on an unacceptable stereotyping of citizens; secondly, because it misrepresents one essential aspect, namely the attitudes towards political participation; and thirdly, because it violates the promise of equal chances to be selected and introduces possibilities for manipulation.

Stereotyping is problematic for at least three reasons. First of all, it is not obvious how certain characteristics are prevalent in *society as a whole.* In order to create a citizens' assembly which resembles society, for example with regard to climate policy attitudes, we would first need to know how these attitudes are distributed in society. But no register about the prevalance of such attitudes is available. Thus, we have to rely on social opinion polling. But opinion polling in itself is only a representative method. Thus, we would first have to find a representative sample to do an opinion poll on certain climate related policies and based on these findings we could try to sample a citizens' assembly which reflects the attitudes we found in our opinion poll. Since oppinion-polls face the same self-selection bias as sortition in general, this approach is questionable, both regarding accuracy and efficiency.

Secondly, the use of quotas is problematic from a more normative perspective. There is much debate about the extent to which women necessarily represent other women, white people represent white people, or elderly people represent other elderly people (i.a. Lever, 2023a; Lafont, 2020, 119). Indeed, it is a central feature of lottocracy that people have precisely *no* obligation to represent particular groups. Instead, the promise of gyroscopic representation is that by standing up for their own needs, they will stand up for others who are like them. But these 'others' need not be like them in terms of visible characteristics such as gender or cultural background. Young makes a similar point, arguing that a focus on the representation of Latinos by Latinos might, for example, result in the representation of *heterosexual* but not *gay or lesbian* Latinos (or vice versa) (Young, 1997, 350). Particularly in

cases where one personal characteristic dominates others, for example when someone identifies *mainly* as lesbian but not at all as Latino, focusing on some characteristics rather than others could in fact lead to misrepresentation with regard to certain characteristics. For example, by 'correctly' sampling racial background, we might misrepresent sexual orientation, cultural awareness or other hidden characteristics.

Finally, a third reason against using quotas is the difficulty of sampling some characteristics at all. In several countries, people would not publicly identify themselves as homosexual. In addition, people may simply fail to report certain characteristics about themselves, such as having been raped, having experienced domestic violence or having a criminal record. However, such characteristics would be equally important to represent in order to achieve descriptive representation and to fulfil the promises of *gyroscopic and indicative* representation. Someone who has experienced sexual abuse, for example, may not feel sufficiently included in a criminal law written only by people without such experiences.

In addition to the problem of stereotyping, the mechanism of stratified selection faces a second problem. The mere fact that people agree to participate often makes them significantly different from the general population in terms of the importance or value they attach to the issue at hand or to politics in general. Research accompanying the French Citizens' Convention on Climate (CCC), for example, showed that the initial attitudes of the general public and the selected sample towards the issues discussed were different. While only 9% of CCC participants in a pre-convention survey agreed with the statement that 'climate change has always taken place', 20% of all French citizens agreed with this statement. Similarly, while 86% of participants agreed that 'France must go further than other countries in the fight against climate change', only 69% of a representative sample of the French population agreed with this statement (Fabre et al., 2021). If people who agree to participate consider the topic under discussion to be more important than society on average, those who do not participate can claim that the decisions of the assembly do not represent the opinion of *society* but, for example in the French case, the opinion of *climate activists.* The discrepancy between those who accept and those who refuse to participate undermines gyroscopic and indicative representation, because those who do not participate do not consider the participants to be *like themselves* in relevant respects. Lafont (2020) argues that participants do not represent the opinions of non-participants because, having participated in expert presentations and deliberations, they are *no longer* like non-participants. My critique here is different. The problem with stratification is that they are *not like them* in the first place. If participation is not compulsory and people can choose whether or not to attend lottocratic

assemblies, then those who choose to attend differ from the population in one very central characteristic: their attitude to political participation, either in general or in relation to a particular issue.

At present, only a minority of those who are asked if they are willing to participate accept the invitation (Jacquet, 2017). And because of these low response rates, the assembly cannot be considered gyroscopically or indicatively representative of society. In fact, it is likely to be substantially different from society as a whole (Lever, 2023c). In most cases, the people who agree to participate are quite homogeneous: more women, better educated and wealthier than would be descriptively representative of society (Fabre et al., 2021). People who think they have nothing to say about politics, perhaps because they consider themselves rhetorically or intellectually inferior, who are not interested in politics or who do not have the time to participate, do not accept to participate. Thus, randomly selected citizens' assemblies face a serious *self-selection bias.* If this is the case, citizens' assemblies will fail to live up to the promise of descriptive representation and will end up looking more like current parliaments than society as a whole.[8]

Third, the use of stratified rather than complete random selection is problematic on egalitarian grounds. One argument for lottocracy is its egalitarian quality, because it distributes access to political office equally among all citizens. However, a stratified selection of participants actually distributes the chance of being selected unevenly among all citizens. In a seminal paper on fair selection algorithms, Flanigan et al. (2021a) show that the selection criteria we use have a strong impact on the individual likelihood of being selected for a citizens' assembly. Having several characteristics that are generally overrepresented in the group of those willing to participate makes it less likely that one will be selected for the assembly. On the other hand, having certain underrepresented characteristics increases the probability of being selected up to 1. For example, if 10,000 people are asked if they are willing to participate, with a response rate of 5%, 500 people will generally agree to participate. Suppose 400 of these are female and only 100 are male. Also, only two of the women are Muslim, but 30 of the men are Muslim.

Depending on how the selection criteria are defined, individuals have very different probabilities of being selected. Suppose we want to select a group of 100 people. If the characteristics are considered *independent*, the selection mechanism aims to select, say, 50% women and men each, and 20% Muslims

[8]Similarly, Sintomer (2023, 54) notes that in Athenian democracy, offices that were officially open and accessible to all were "*de facto* reserved for an elite that had the necessary free time and financial resources to devote themselves to politics." In order to keep the democratic promise of equal representation of all interests and perspectives, lottocracy must install mechanisms to avoid such selection biases.

and 80% non-Muslims. In this case, it is irrelevant whether the selected Muslims are female or male. The only aim is to select 50 women, 50 men and a total of 20 Muslims. Under *independent* selection, each man has a 0.5 chance of being selected, while each woman has a 0.25 chance of being selected. Muslims in general have a chance of about 0.3 of being selected. However, as 'male' is generally an under-represented characteristic, Muslim men have a higher chance of being selected than Muslim women. In this case, female Muslims have an even lower chance of being selected than women in general. It is likely that the desired number of Muslims will be covered by male Muslims, as men are twice as likely to be selected as women.

On the other hand, if the algorithm focuses on selecting *combinations* of characteristics, the two Muslim women have a probability of 1 to be selected. If combinations are considered *dependent*, the selection will aim to select 50 female and 50 male participants, of which 10 women and 10 men should be Muslim. In fact, the organisers of such a gathering would need to proactively recruit 8 more female Muslims. These women would definitely become members of the final assembly, while their selection would further reduce the likelihood of the 393 non-Muslim women being selected.[9]

A central argument for sortition-based systems is the genuine fairness of lottery selection. It is argued that, unlike elections, lottery selection gives everyone an *equal chance of being selected.* Moreover, completely random, non-stratified lottery selection is praised for being strategy-proof and corruption-proof (Delannoi et al., 2013, 23). These advantages vanish if selection is stratified. As illustrated above, selecting people on the basis of quotas almost always results in people being selected with *unequal probabilities.* Flanigan et al. (2021a) argue that stratified sampling, a standard practice in empirical political science and often used to select representative citizens' assemblies, distributes the individual chances of being selected very unequally. In particular, people with rare characteristics have a higher chance of being selected under certain conditions. In addition to the general problem of unequal chances of selection, this leads to a second problem: the manipulability of the selection mechanism. First, those who define the stratification criteria may choose criteria that will significantly increase the chances of selection for some people. The selection along certain criteria gives a significant influence to those who define the selection criteria. Ohren (nd) shows in the evaluation of several actual mini-publics to what extent the designers of the selection process could influence the outcomes. He argues that if stratification is used,

[9]This example is, of course, highly simplified. There are more than two gender categories and more than two religions to consider. For the sake of simplicity, however, I shall confine myself to this inadequate example.

then the selection of stratification criteria would itself have to be a democratic process. Second, people who are aware of the flaw of unequal selection-probabilities in stratified sampling algorithms may individually increase their chances of being selected by misrepresenting some of their characteristics. Of course, some characteristics, such as biological sex and age, are obvious and unlikely to be misrepresented. But as soon as we start considering additional criteria such as sexual orientation, ethnicity or personal experiences such as childhood abuse, we have to rely on how people categorise themselves, because there is –and should be– no database that categorises people according to such characteristics.

The demand for quotas thus undermines the lottocratic promise of *equal* selection probabilities. It distributes individual chances of selection unequally and creates opportunities for manipulation. Although Flanigan et al. (2021a) develop an algorithm that performs much better than previous algorithms on the fairness measures egalitarian welfare, Gini inequality, Atkinson indices, and Nash welfare, their algorithm still distributes unequally the chances of being on the final selected assembly of citizens.[10] Unlike other selection methods, their algorithm does not gradually select individuals. Current selection mechanisms start by selecting an individual with a set of individual

[10]The Egalitarian Social Welfare Index aims to maximise the utility of the worst-off individual (Endriss, 2010). Here it is used to express that the lowest probability of selection should be as high as possible. A distribution is considered fairer the higher the probability of selection of the person with the lowest individual probability of selection (Flanigan et al., 2021b, 20). Ideally, of course, everyone should have the same probability of being selected. The Gini coefficient is a measure of distributional fairness, usually used to measure the degree of income or wealth inequality within a population. It is expressed as a ratio between 0 and 1, where 0 represents perfect equality (everyone has the same income or wealth) and 1 represents perfect inequality (one person has all the income or wealth) (Blackorby and Donaldson, 1978; Endriss, 2013). A higher Gini coefficient indicates greater inequality. The goal here would be for everyone to have the same probability of being selected, which would be the case if the Gini coefficient were 0 (Flanigan et al., 2021b, 21). Nash equilibrium is a concept from game theory. It describes a situation in which each player, knowing the strategies chosen by the other players, has no incentive to deviate unilaterally from his own chosen strategy. A situation in which each player's strategy is optimal given the strategy chosen by others, leading to a stable outcome in which no player has an incentive to change its strategy independently, is a Nash equilibrium (Moulin, 2003; Nash, 1951). Here, Nash equilibrium is used to find those distributions where each individual appears on as many selectable panels as possible (Flanigan et al., 2021b, 23). Atkinson indices are an additional set of measures designed to quantify income inequality within a population (Atkinson, 1970). The aim of a fair selection algorithm would be to reduce the inequality of the distribution, i.e. to ensure that each individual has as equal a chance as possible of being selected (Flanigan et al., 2021b, 22). For detailed explanations and mathematical proof of how these fairness or distribution measures are met by the LexiMin algorithm see Flanigan et al. (2021b, 19-25).

characteristics. Then the remaining demand for each trait is recalculated. This process is repeated until each slot is filled. Once the quota for a characteristic is reached, for example, once enough women have been selected, all other women are no longer considered in the selection process. Of course, in some cases it may be necessary to repeat some steps or start again in order to meet all the quotas set.[11]

In contrast to such stratification methods, the LexiMin algorithm proposed by Flanigan et al. (2021a) selects possible *panels*. The aim of the algorithm is to select from a pool of n people (everyone who agrees to take part in the lottery) a smaller panel of k people that satisfies all the q quotas previously defined as desirable. For example, if 1,000 people agree to take part, and we want to select 100 people of whom 50% are female, 25% have a migrant background, and 20% are younger than 25, then every possible combination of 100 people that satisfies these criteria is considered a *panel*. However, the goal of a fair algorithm is to find a panel that not only satisfies the stratification requirements, but also distributes the individual selection probability of *all* 1000 people as equally as possible. Flanigan et al. (2021a) show that in current selection methods the individual probability of selection of some members was only 0.03%, although the average probability of selection of all participants was 9.1%.[12] In other cases, where more quotas were applied and the selection ratio was higher, the individual probability of selection for some people was as low as 0.15%, with an average probability of selection of 27.3%.[13] In contrast, the LexiMin algorithm first selects those panels that meet the fairness requirements as well as possible. From these *fair* distributions, it then randomly selects *one* final panel. In this way, the individual probability of selection is still unequally distributed, but much more evenly than in stratified sampling. For example, in the cases above, the minimum probability of selection was 2.4% in the first case (opposed to 0.03%) and 8.6% in the second (opposed to 0.15%).

We have seen that using quotas to select citizens' assemblies is problematic. It forces us to commit to certain categories that should be represented, it is questionable to what extent people can be meaningfully assigned to certain categories at all, and those who refuse to participate may reasonably question whether their attitudes to political participation have been accurately

[11]This is a simplified summary of several mechanisms using slightly different methods. However, most organisations do not fully specify how their algorithms work. For more details see Flanigan et al. (2021b, 29-33).

[12]These figures correspond to the selection of a panel of 75 people who meet four quota and are selected from a pool of 825 people. For details see Flaningan et al. (2021a, 550).

[13]These figures correspond to the selection of a panel of 44 people who met seven quotas and were selected from a pool of 161 people. For details see Flaningan et al. (2021a, 550).

represented. Moreover, stratified selection unequally distributes the chances of making it into the final lottocratic assembly and gives a great deal of influence and potential for manipulation to those who set the quota. However, stratified sampling, i.e. selection according to pre-determined demographic proportions, is necessary to keep at least some of the *diversity* and *representativeness* promises of lottocracy. Without stratification, lottocracy faces an even greater self-selection bias.

Apart from stratified selection, a second way of minimising self-selection is to make participation in the lottocratic assembly compulsory. If people have to participate after selection, and the selected assembly is sufficiently large, the likelihood increases that the assembly is indeed representative of society in the way necessary for gyroscopic and indicative representation. Moreover, it is only through such truly inclusive participation that the promises of lottocracy –to reduce polarisation and political apathy, and to increase appreciation of the complexities of policy-making– can be realised. Completely random selection avoids committing to particular characteristics as worthy of representation and stereotyping people as members of particular groups. The aim of lottocracy is not to represent particular *group identities* but rather to represent shared experiences, needs and values. Following Young (1997), we can say that representation is not about demographic facts but about *perspectives.* Being of the same age or having the same degree may be an indicator that people have a similar perspective on certain issues. However, a shared lived experience, the same style of upbringing or the same voluntary work can be just as, if not more, indicative of sharing the same values and perspectives. Such factors are not usually sampled in stratified sampling. A stratification according to personal attitudes towards certain issues can only be suboptimal. The distribution of these attitudes in society itself can only be estimated through opinion polls, which is inaccurate. Moreover, it is impossible to know in advance which attitudes, perspectives or experiences will be relevant to particular policy decisions. The only way to avoid privileging certain experiences or perspectives over others is to use a completely random and mandatory selection of representatives.

5.3 A (moral) duty to take political offices

As I have argued above, stratified selection is highly problematic for generating sufficiently representative lottocratic assemblies to realise the promise of gyroscopic representation. I have also pointed out that stratification is nevertheless a commonly used mechanism, since return rates are as low as 5%

in some citizens' assemblies (Jacquet, 2017).[14] One way to make stratification unnecessary and to fulfil the gyroscopic promise as well as possible (given the remaining discrepancy between the number of people represented and the number of representatives) is to make the assumption of office *obligatory* in the case of selection. Let us call this the outcome-oriented argument in favour of compulsory participation in lottocracy: if lottocracy is, on balance, a desirable form of democracy, and if we want to implement it, then, given the obvious shortcomings of fully random selection without obligation and of stratified sampling, selection would have to be fully random and compulsory in order to fulfil the representative promises of democracy. Those readers who do not see lottocracy as a potentially attractive alternative to electoral democracy are unlikely to be persuaded by the additional challenge that political office should be compulsory. However, in order to complete our assessment of the democratic potential of lottocracy, we should briefly consider this possible way of saving the lottocratic proposal in terms of its potential for adequate representation of all citizens.

The outcome-oriented argument in favour of compulsory participation is clearly not sufficient to justify such a strong encroachment on the personal freedom of citizens as a three-year compulsory political service would be. In addition, we need to consider possible arguments to justify such a burdensome civic duty in the light of the democratic values of equality, personal freedom and non-domination. In what follows, I suggest three possible arguments in favour of compulsory participation. However, all of them will at best justify a moral duty to participate towards fellow democratic citizens. None of them is sufficient to justify a legal obligation to take up office and the burdens that this entails. First, I consider an argument from sabotaging other people's chances of being adequately represented. Second, I argue that the right *not* to participate should not be considered a *democratic* right. Finally, I suggest that political office can be seen as a burdensome duty rather than a desirable position, and that this duty should be distributed equally among all citizens.

The most common form of compulsory political participation is compulsory voting. Although practised in only a few countries, it has been shown to

[14]Empirical research shows that response rates can be increased by changing the recruitment process. For example, accompanying a citizens' assembly with extensive media coverage can increase participation. Several experiments have shown that contacting people personally, by telephone or by personal visit, so-called 'outreach selection', can also significantly increase participation, especially among people who are generally sceptical about political participation (Es geht LOS e.V., 2023; Liesenberg and Strothmann, 2022; Veasey and Nethercut, 2004). In most cases, however, even the use of such recruitment procedures cannot increase participation to more than 30%. Such a response rate would still be too low to fulfil the promise of representation made by the proponents of lottocracy.

have positive effects on political responsiveness and political education (Hill, 2014). Under compulsory voting, many people vote who would otherwise abstain. This increased diversity of voters, and the presence of opinions that are often not expressed without compulsion, makes it necessary for politicians to include the opinions of these voters in their decision-making. Thus, political decisions under compulsory voting tend to be more responsive to a wider range of interests. As noted above, we assume that in a democracy every citizen has the right to equal representation, that is, equal and appropriate consideration of their beliefs and preferences. If people with similar beliefs and preferences do not participate, they affect the weight given to those with shared preferences. In an electoral democracy, by not turning out to vote, people misrepresent the prevalence of certain attitudes in society and thus reduce the chances of their fellow citizens with shared beliefs and preferences being taken into account (Hill, 2014).

The same is true for lottocracy. The positive correlation between increased participation and responsiveness to group interests provides a strong reason for mandatory political participation. Thus, the first argument for compulsory participation in lottocracy is that those people who do not participate minimise the chances of their fellow interest group members to be taken into account in policy decisions. Let us call this the sabotage argument. People who live in a democracy generally benefit from the democratic system and would be worse off without it. More specifically, they benefit from living in a democracy if that democracy is responsive to their personal interests. It is generally desirable to live in a democracy if it is responsive to one's needs and interests. According to this claim, democratic decisions should respond to the widest possible range of interests.[15] Democratic decisions are generally more responsive to the interests of those who participate, i.e. those who articulate their needs and preferences. In election-based democracy, politicians are generally more responsive to the interests of voters than of non-voters. When they disappoint the expectations of non-voters, they have no reason to fear for their re-election. When they disappoint their voters, they indeed might face consequences for their re-election. Lottocracy is supposed to produce policy decisions that are responsive to the majority of citizens because the diverse preferences and perspectives of society will be represented in the decision-making body. According to this reasoning, it is important that as many perspectives as possible are present in the actual decision-making body. In particular, it

[15]Exceptions to this requirement may be necessary if promoting the interests of the many comes at the cost of leaving a few significantly worse off. Moreover, it might be advisable to focus on the interests of the few first if their overall level of welfare is significantly lower than that of others. However, such more nuanced considerations are not important for our assessment of lottocracy here.

is important that these perspectives represent as accurately as possible the perspectives present in society as a whole. Both of these approaches, as I have also pointed out above, depend on the assumption that every citizen shares at least some non-trivial interests with other people from the social group(s) to which he or she belongs. As argued above, such shared interests result from very different conditions, such as the sharing of certain demographic characteristics and the sharing of experiences or perspectives (Umbers, 2020a; Young, 1997). Without restricting myself further to the origin of shared interests, I will refer to such groups as *groups with shared interests*.

Under both concepts of representation, the promissory of elections and the gyroscopic of lottocracy, policy is more likely to respond to the interests of those citizens who make their preferences and perspectives heard. In election-based democracy, this is done by voting. Hill (2014) argues that those citizens who do not participate in elections undermine the chances of their fellow interest group members to be heard. The same is true of lotteries. Those who are elected but refuse to take office undermine the chances of other members of their group with shared interests to be effectively considered in policy-making. It might be objected that this problem disappears if at least one member of each group participates. However, the fact that they agree to participate indicates that these people are to some extent different from everyone else in their group, at least if no one else agrees to participate. For example, the group of *young* or *unemployed* people may be very different in many respects, such as their educational background, their place of residents or their political values. If participation in lottocracy is voluntary, it may turn out that unemployed people have a strong tendency not to participate because they do not like to expose themselves to this kind of audience, because they are ashamed of their situation, or because they do not feel competent or worthy to participate.[16] In stratified sampling, which ensures that unemployment is represented, *some* unemployed would participate. However, they may be systematically different from the larger group of unemployed. They might, for example, be short-term unemployed, come from urban rather than rural areas, or have a comparatively high level of self-esteem or education, to name but a few (admittedly superficial and speculative) categories of difference. The fact that someone accepts to participate under *voluntary participation*, unlike many people who do not, shows a substantial difference from those who do not accept to participate. Those people who *decline* to participate undermine the chances of their perspectives being considered. And, importantly, they reduce not only their *individual* chances of being heard, but also the chances

[16]Empirical evidence from citizens' assemblies shows that people with lower qualifications are particularly reluctant to participate (Fabre et al., 2021).

of all other people with shared perspectives and interests.

It might be objected that since *no* member of this group participates, the common perspective of this group is something like 'no interest in being represented or heard in policy making'. But even if this were the case, it does not justify ignoring these people entirely in policy making. It is the duty of a democratic government to consider everyone equally. The government should therefore seek to know as many perspectives as possible and reach out to those who do not articulate their own. Moreover, it is often not really a voluntary choice for some people not to participate, just as it is not really a voluntary choice for many people not to stand for election. What is needed are the appropriate background conditions that make participation possible. For example, sufficient self-esteem, time and financial support for possible care work, to name but a few. Such reasons for non-participation –both in elections and in lottery-selected assemblies– cannot justify ignoring the perspectives and interests of these people in a democratic system of collective self-government.

Without compulsory participation, members of some groups have a much greater chance of being heard than members of other groups. And, importantly, this is not because they are members of a *larger* group. Rather, it is because *other* members of that group neglect to participate. This could lead to policies that respond to groups with *high* participation rates rather than to *large* groups. If a small interest group has high participation rates, policies are likely to be more responsive to those interests than to potentially larger groups with low participation rates. Ideally, democracy should respond to *majorities of citizens* rather than *majorities of participants.* Those who do not participate sabotage their fellow citizens' right to be heard.

Umbers (2020a) articulates a similar argument for compulsory voting, which he calls the free riding argument. He argues that people who live in a democracy and enjoy its benefits unfairly free-ride on those who contribute to the political system. According to Umbers, those who do not vote

> benefit non-trivially from the voting of members of the social group(s) to which they belong without either voting or making an equivalent contribution to the political process by which those benefits are produced. (Umbers, 2020a, 1319)

To some extent this overlaps with the sabotage argument I suggested above. However, whereas Umbers emphasises that it is unfair to *benefit* from others' participation without contributing, the sabotage argument focuses on the fact that it is unfair to *reduce* others' chances of consideration. In short, the sabotage argument is this:

1: People benefit from living in a democracy over living in a non-democracy if democracy is more responsive to their interests than alternative political systems.

2: Every member of society has some non-trivial common interests with some other members of society, either in terms of socio-demographic characteristics or because they share some similar experiences, values or perspectives.

3: Democracy is more responsive to those perspectives (and the interests that go with them) that are articulated than to those that are not made known.

4: The more members of a group with shared interests express their perspectives, the more these perspectives will be taken into account in policy-making. Conversely, the fewer members of a group with shared interests express their perspectives, the less responsive policy will be to those perspectives.

5: By not actively participating in policy making (by not voting or by not accepting participation in lottocracy), those who refuse to participate unfairly reduce the chances of their fellow group members with shared interests to be heard.

This argument is likely to make many readers uncomfortable. First of all, a duty to do something can only be defended if it is *possible* to do it. Ought implies can. For many people it is simply not possible to participate. They lack the time to do so, or are otherwise constrained. Moreover, the freedom of one person ends where the freedom of another begins. For example, one person's freedom to live in a state that responds to his or her interests may end where it collides with another person's freedom to live a self-determined life. It takes careful justification to say that the right to a responsive government trumps the right to live as one chooses. I doubt that lottocrats will be able to justify it. It would require a far-reaching change in how personal needs, as opposed to the collective wellbeing of a population, get assessed. Especially in liberal societies, as we find them in most well-functioning democracies, this would require a major shift in values. Nevertheless, lottocrats might try to go down this road to justify a duty to serve in a lottocracy.

Let me now turn to a second argument for a potential compulsory participation in lottocracy, or democracy more generally, which we can call the argument from democratic principle. In short, the idea is this: If people have a *right* not to participate in democracy, and *everyone* exercises that right, then

democracy ceases to exist. Hill (2014, 197) asks whether something can be considered a *democratic* right if the collective exercise of that right abolishes democracy. In a sense, this can be seen as a Kantian account of political participation. According to Kant's famous categorical imperative, only that shall count as a generalizable maxim of action which could be followed by everyone. Any right we grant must be such that everyone can exercise it without harming the system. Non-participation in democracy cannot reasonably be such a generalisable right. In election-based democracy, if we give people a *right not to vote* and everyone exercises that right, *no one* will vote and the democratic system will cease to exist, or at least become meaningless. A democracy in which no one participates is not a democracy. In extreme cases, giving people the right not to vote can destroy democracy. In less extreme cases, where only some people exercise their right not to participate, it still severely damages the promise of democracy. Low participation rates reduce the epistemic and responsive quality of democratic decisions.

The same consideration applies to a right not to participate in lottocracy. Again, these considerations concern the hypothetical case where lottocracy is the existing democratic system. If electoral democracy is considered to be working well, there is no need to introduce a more demanding political system such as lottocracy *and* make participation compulsory. But if lottocrats want to defend the idea that lottocracy should replace electoral democracy, then they need to design it so that it represents all interests equally. This may require them to justify an obligation to take office. And to do so, they might try to argue that a right not to participate cannot be considered a democratic right because it risks ending democracy altogether. I doubt whether such a democratic principle argument in favour of compulsory participation can be soundly developed and will refrain from further speculation at this point.

Finally, let us consider a third way that lottocrats might try out in favour of compulsory participation to save the democratic representativeness of lottocracy. Let us imagine the counterfactual scenario where *no* political system is yet in place, and a group of people sits down to decide how they want to govern themselves. I think they might indeed decide to distribute political offices by lot. Especially, I would suggest, if they see political office as an unpleasant, burdensome *duty* rather than a desirable, prestigious position. This argument requires us to take a fresh look at political office. And I think it is a worthwhile exercise. Political office is usually seen as a desirable position because it is powerful and prestigious. And this interpretation is probably true of the people who run for office. They aspire to that position of influence and are disappointed when they don't get it. However, the vast majority of people do not seem to be interested in holding these positions. Active political engagement has declined sharply in recent decades. In Germany,

voter turnout fell from 90.7% in 1976 to 76.6% in 2021. And, perhaps more importantly, party membership has fallen by 42% between 1990 and 2018. By 2021, only 1.2 million people were members of a party, less than 2% of the adult population (Niedermayer, 2022a,b). The promise and benefits of democracy as a representative, responsive system of self-government depend on it being a system of broad participation, both of voters and of candidates. And, as I have argued above, this includes the presence of as many and as diverse perspectives as possible in the political process. But as participation rates fall sharply, these benefits diminish.

Why is it that so many people are not interested in taking an active part in politics? In the following, I would like to highlight the exposure often related with political offices. To justify a duty to participate, lottocrats could stress that political offices are burdensome to all and that it is a requirement of shared responsibility to share these burdens justly amongst all. There are, of course, many and varied reasons for not participating in politics. Holding a political office at federal or state level might be an interesting and even quite appealing task. At least at first sight. On closer inspection, these jobs are very demanding and involve working conditions that people would hardly accept in most other jobs. They require moving to another city or commuting and working late nights and weekends (Dausend and Knaup, 2020). Of course, these working conditions are contingent and could be improved. But politicians face an additional challenge that is less controllable. They are often the target of criticism and hatred, both online and offline. In 2019, a senior German politician, Walter Lübcke, was killed by a right-wing extremist. In 2022, Nancy Pelosi, then Speaker of the US House of Representatives, was the victim of a home invasion in which her husband was seriously injured. These are just two high-profile examples of the increasing dangers faced by elected politicians. The diversification of the media landscape and the growth of social media have facilitated access to information and expression, but they have also lowered the threshold for standards of respectful expression and facilitated inappropriate, disrespectful and anonymous defamation of people. Elected politicians are increasingly exposed to expressions of rejection and hatred, and often face threats to their lives and families (Dausend and Knaup, 2020). It is not surprising that fewer and fewer people are willing to take on this responsibility if it means accepting this kind of public exposure. Given the high costs of holding political office and the democratic need for a large and diverse pool of candidates, it could be argued that in order to save democracy as a system of popular self-government, the costs of holding office should be shared equally among all those who benefit from the democratic system.

The fact that political office is burdensome and even dangerous makes

it all the more difficult to make it compulsory. But I think it also gives us reasons to rethink what a politician's job should be, and how those tasks can be distributed more fairly. I suggest to consider political offices a *shared responsibility* rather than an aspirational position of power. If only those assume political office who are willing to expose themselves to such publicity and potential attack, democracy loses much of what it promises.[17]

In this context, one advantage of lottocracy is that it could reduce hostility between politicians and those they represent. As they would be more like each other, there would hopefully be less resentment towards the 'ruling elite'. In addition, more people would have been involved in the complexities of policy-making at some point in their lives, or would know people who have held office and could share their experiences. Experiments with citizens' assemblies show that people who have participated are more interested in politics afterwards and have a better understanding of the complexities of political decision-making and the difficulties of political compromise. To justify a duty to hold political office, lottocrats might try to justify it as a duty to educate and acquire basic civic knowledge. As Sintomer (2023, 54) points out, political participation in Athenian democracy also functioned as a 'school of democracy'. Similarly, Ackerman and Fishkin (2005) argue for at least one national day of deliberation in which every citizen should engage in political debate to gain a better understanding of, and possibly respect for, national policy-making. However, a three-year term of office seems to go beyond what can be justified on the grounds of civic education.

Finally, I suggest that we broaden our view of political office and consider different stages of political activity where lottery-selection might be more appealing than on a state level. Starting a political career in the first place requires a lot of commitment that is neither paid nor necessarily rewarded

[17]Lever (2023c) argues that because political office seems to be a job that only some people want or aspire to, while many people do not want to hold it, it should not be distributed equally among all. The low return rates for citizens' assemblies show that many people do not want to take on this kind of political responsibility (or, possibly, that they do not know what they are getting into and why they should do it). Lever sees this as an argument against using lotteries to distribute political office. It is unreasonable to distribute a good equally to all if some people want it and others do not, rather than - as I propose here - to distribute the burden equally to all. However, given the democratic *shortcomings* of elections pointed out in Chapter 2, and given the requirement that a democracy should be responsive to *all* interests, not just those of the most vocal or visible citizens, I do not agree with Lever that offices should be left to those who are willing to accept them under the conditions they currently exist. Many of the concerns about self-selection in lottery-selected assemblies equally apply to the problem of self-selected candidates in electoral democracies. I therefore look forward to Lever's forthcoming arguments in favour of an equal right to stand.

by higher political office. As a result, many people will be unwilling to invest a lot of time and resources at lower or local political levels. In many communities, for example, there are no candidates for mayor or other political office. Ultimately, the people who agree to stand for election are often those who have the time or flexibility to do so, or those who see it as a kind of civic duty. Particularly in the case of representative functions outside the political sphere, such as university politics or spokesperson positions in other contexts, the lack of commitment and candidates makes the distribution of offices by lot a considerable option. Here the lack of candidates is an even more serious problem. Obviously, for many people, political or representative roles are indeed an undesirable burden. In the end, these positions are often taken by people who feel a kind of responsibility to take them on, or who want to avoid leaving them vacant. This again seems to be a sub-optimal selection mechanism and suggests that many positions necessary for public life and self-government can indeed be seen as an unpleasant duty that should be borne equally by all. Distributing this duty by lot is one mechanism for doing so.

I argued that voluntary participation in lottocracy combined with stratified random selection has several shortcomings, namely a strong self-selection bias, the problem of stereotyping leading to an unbalanced representation of *perspectives*, the systematic misrepresentation of attitudes towards political participation and a strong influence of those who define selection criteria. To fulfil the promises of gyroscopic and indicative representation, selection in lottocracy should indeed be completely random. But completely random selection can only produce a descriptive representation of society if those selected actually participate. Current response rates of less than 10% make it undesirable to rely on fully random selection (Jacquet, 2017). I have suggested three possible starting points for justifying a *moral* obligation to participate in lottocracy, based mainly on fairness to one's fellow citizens.

Much more work would need to be done to justify a legally binding and enforceable duty to participate in lottocracy. In particular, it requires specifications of what this obligation would actually look like, a careful weighing of the burdens and benefits of this obligation, and many other considerations. Given how many people oppose even a duty to *vote*, lottocrats will find it difficult to convince critics of a much more far-reaching duty (Brennan, 2014; Lever, 2010; Saunders, 2018). In any case, such arguments are beyond the scope of this thesis. My concern here is with the democratic value of lottocracy, and I leave it to others to properly design a system that can legally implement it. In order to analyse the democratic potential of lottocracy, I have shown that citizens' assemblies as they are currently selected –with stratified random sampling– cannot really deliver the benefits

that lottocracy promises, which result from the central features of *gyroscopic* and *indicative* representation. But this shortcoming need not lead us to reject lottocracy as a potentially democratic system. However, if lottocracy is to be democratic, then participation would have to be complete in order to ensure equal representation and thus consideration of *all* interests. To achieve this, participation would probably have to be compulsory or, as Guerrero (2014, 156) states, the civic culture would have to be such that everyone would take office if selected. Only on this assumption, with a truly random and fully inclusive sample of citizens, could a lottocratic parliament count as creating legitimate representation within representative democracy. Lottocrats need to say more about how to ensure truly equal representation. To do this, it may be necessary to justify compulsory participation. I have suggested three possible approaches to justifying such an obligation, but all of them would require much more elaboration and strong arguments.

In order to assess lottocracy as a potentially democratic alternative to electoral democracy, we have now discussed two necessary elements of democracy: political equality and the legitimate representation of all citizens. These two aspects of democracy are closely related. In the absence of equal actual participation by all, as would be the case in direct but not representative democracy, the claim to political equality requires equal representation of all interests. I argued above that democracy requires political equality for at least three reasons: the *expression* of the moral equality of all members of a democracy, the fact that a fair, egalitarian process makes decisions *acceptable* to those who are outvoted, and the *epistemic* advantage that decisions involving all citizens will be substantively better, both because they involve more perspectives and because they can respond to what the citizens of a state actually think or need. In a *representative* democracy, as we consider it here, several of these functions are realised through the act of representation, not through the actual equal participation of all citizens.

Lottocracy scores well on the expressive dimension of equality. The acceptability of lottocratic decisions depends on two aspects. Above, I pointed out why the distribution of political offices by lot is considered a fair procedure that can produce *procedurally* acceptable decisions. But I also pointed out that the acceptability of decisions also depends on the *content* of those decisions. Lottocrats usually argue that the content of decisions will be acceptable to all because they have been taken by a group that reflects society. But if lottocratic decisions systematically respond to the interests of a few rather than to the interests of all citizens, then most citizens will oppose them, even if they have been arrived at through a generally fair process. In this chapter, I argued that this responsiveness to *all* citizens is supposed to be ensured by political representatives. I showed that replacing

elections with lotteries is defensible because it selects descriptively similar, *gyroscopic* representatives rather than anticipatory and responsive delegates. Indeed, such gyroscopic representatives promise to *increase* the acceptability of political decisions because they have an *indicative* function. However, lottocratic representation can only have this benefit if representatives are indeed sufficiently similar and therefore gyroscopic. Low participation rates combined with stratified sampling cannot fulfil the gyroscopic promise. The same concerns apply to the epistemic advantage associated with political equality. If political representatives do not represent all perspectives equally, both the diversity and responsiveness benefits of including all citizens equally disappear. This violates both the acceptability and the epistemic advantage usually associated with political equality.

Moving from electoral to gyroscopic representation based on descriptive similarity is generally justifiable on democratic grounds. However, today's citizens' assemblies cannot claim to realise such a gyroscopic representation. They simply include too few perspectives, because turnout is low and stratified sampling is not sufficient to include all perspectives. Without the full and inclusive participation of all who are selected, lottocracy cannot claim to generate *democratic* representation. To defend lottocracy as *democracy*, lottocrats need to revise the proposal to avoid the identified flaws. To complete our analysis of lottocracy *as* democracy, let us now move on to an additional democratic requirement arising from the fact that lottocracy would be a representative system: the potential accountability between representatives and those they are supposed to represent.

Chapter 6

Lottocracy and accountability

Abstract

Political accountability is a cornerstone of representative democracy: it is supposed to ensure that political representatives act in the interests of those they represent. Without elections, lottocracy seems to lack the central mechanism for holding politicians accountable. In this chapter, I argue that the lack of retrospective evaluation in lottocracy is not as problematic as it might first appear. In fact, I show that mechanisms of retrospective evaluation contradict the central ideal of lottocracy in three ways: they are practically unnecessary; they are morally objectionable; and, most importantly, they reduce the epistemic quality of decisions. Based on this observation, I argue that lottocracy can nevertheless achieve the underlying goal of accountability, namely that politicians act in the interests of those they represent: first, because it is a mechanism for selecting the right agents as representatives, which makes retrospective control less important; and second, because it can fulfil the answerability dimensions of political accountability that is based on reporting, justification, and apology. I show why lottocracy can fulfill this dimension better than election-based democracy.

6.1 The retrospective meaning: accountability as sanctions

According to Guerrero (2014), elections of politicians are not a desirable mechanism for choosing representatives because they fail to establish *meaningful accountability* between representatives and represented. Guerrero argues that a political system only produces good and responsive outcomes when citizens can hold their representatives accountable. And elections are not an appro-

priate mechanism for doing this because policy issues are too complex and politicians' decisions too difficult to evaluate to create accountability in a way that politicians feel obliged or constrained to actually advance the interests of citizens, rather than their own personal interests or those of donors or other connected people. The question, then, is whether lottocracy is better at establishing accountability than elections *or* whether lottocracy is better at producing responsive and good outcomes. In this chapter I discuss three different interpretations of accountability and the extent to which they are satisfied in lottocratic representation. I begin with the most common interpretation of accountability: that of retrospective sanctioning of politicians. I argue that lottocracy does not satisfy this dimension and show why it should not satisfy it. In other words, I show that the potential introduction of sanctions into the lottocracy system would undermine some of the core values and benefits of lottocracy. I then consider the extent to which lottocracy can fulfil another important function of elections, namely the selection of desirable candidates as representatives. I argue that by focusing on selecting the right kind of agents, it becomes more likely that policies will be interest-responsive, which in turn reduces the need for retrospective sanctions. Finally, I examine lottocracy in terms of the answerability dimension of accountability by analysing the aspects of reporting, justification and apology. I argue that lottocracy performs quite well on these three aspects, possibly even better than elections.

Given the standard interpretation of accountability as sanctions, which I introduced in Chapter 3.4, lottocracy seems at first glance to score poorly.[1] On the one hand, in the absence of political programmes, elections and an explicit mandate for representation, it is questionable what it looks like to act on behalf of the represented. There is simply no clear benchmark against which to judge their performance. Second, without elections, there is no formal institution to reward –by re-electing– or sanction –by not re-electing– the selected representatives. In this section, I focus on the absence of such sanctioning mechanisms. More specifically, I argue that the lottocratic system does not, and should not, provide such mechanisms.

In ancient Athenian democracy, a system often cited as a model for lottery-based political systems, several mechanisms of control and punishment were in place. However, I will argue that nothing similar should be introduced into

[1] Recall that a standard definition of principal-agent accountability is as follows: A is *accountable* to B if two conditions are met:

(i) A is obliged to act in some way on behalf of B, and

(ii) B is empowered by some formal institutional or perhaps informal rules to sanction or reward A for her activities or performance in this capacity. (Fearon, 1999, 55)

a modern lottery-based political system. There were three main mechanisms of control and sanction in Athenian democracy: *ostracism, euthynai* and *apophasis*. The practice of *ostracism* was used to send people into exile for ten years. Once a year the Great Assembly decided whether or not to hold an ostracism that year. If they decided to do so, the assembly met again two months after the decision and everyone was allowed to nominate a person to be sent into exile by writing their name on a shard, the *ostrakon*. Importantly, no debate was allowed at either of these meetings. If at least 6000 votes were cast, the person with the most mentions was sent to exile for ten years. People sent into exile did not lose their property or civil rights (Elster, 1999). No absolute majority was required, only a majority of votes. Without a list of candidates or prior discussion, it was thought that manipulation and vote buying would be comparatively difficult. However, in excavations in Athens, archaeologists found that 191 shards of pottery, which led to the ostracism of Themistocles in 470 BC, were written in only fourteen different hands (Elster, 1999, 269). The fact that only a plurality of votes, rather than an absolute majority, was required made such forms of manipulation easier. Ostracism is seen as a mechanism of both ex ante and ex post control. On the one hand, it can *prevent* people from taking certain positions or gaining too much influence because they fear the possibility of being sent into exile. On the other hand, it can be used to *punish* people for their behaviour or political actions (Elster, 1999, 260). However, it is believed that ostracism was mainly used to disenfranchise people who had already reached a certain level of influence, thus focusing on *retrospective* evaluation.

A practice as consequential and powerful as ostracism obviously contradicts our understanding of freedom and other basic human rights. It is bad enough that people have to go into exile because of political persecution or oppression. Today, a sanction as severe as exile seems objectionable for a variety of reasons. But we do not need to think of such strong forms of sanction to see the mechanisms of sanction in lottocracy as problematic. It should not be in anyone's power to force someone into a political office and ultimately punish them for their behaviour in that office, especially when there are no clear rules about how to behave. I argue below why this practice is problematic on moral grounds. But if we assume that lottocratic offices could be voluntary, it is also problematic for practical reasons: most people would probably neglect to take on the responsibilities of political office if they had to fear that they would be held *personally* accountable for those decisions, especially with consequences as severe as exile or large payments as punishment (Landa and Pevnick, 2021, 57).

A similar concern applies to the second mechanism of retrospective evaluation practised in Athenian democracy: *euthynai*, the compulsory examination

of magistrates at the end of their term of office, which was practised mainly in the fifth century B.C. In the process of *euthynai*, all magistrates were individually examined by a board of auditors at the end of their term of office (Elster, 1999, 268). Although magistrates worked in groups of ten, the evaluation considered the individual conduct of each magistrate during their term of office. The focus was on their use of financial resources. A committee of auditors examined all public funds received and spent by a board of magistrates. At this stage, any citizen, even if not a member of the Board of Auditors, could make allegations of financial mismanagement or bribery. If the members of the magistrate were found guilty (individually or collectively), they had to repay up to ten times the amount involved. At a later stage, other charges of misconduct could be brought, to be decided by a special officer (in the fifth century BC) or by a court (from the fourth century BC). Other similar mechanisms supplemented this compulsory examination. In the fourth century BC, *eisangelia* became more important than *euthynai*. In this procedure, a case could be brought by any individual citizen against any other Athenian (Elster, 1999, 268). The grounds for these lawsuits could have been many, but mainly related to political crimes. Athenians could be sued for, among other things, attempting to overthrow democracy, intending to undermine democracy or conspiring to do so, or accepting payment for making speeches in the general assembly that were against the interests of the Athenian people (Hypereides 4.7-8, in Elster, 1999, 269).

Another retrospective evaluation, called *apophasis*, could be initiated not by individual citizens but by the General Assembly or the Areopagus, the governing council (Elster, 1999, 270). If the Areopagus found someone 'guilty', the case was referred to the General Assembly. If the assembly confirmed the verdict, the case was sent to the courts for a final decision. It is important to note that bribery was extremely difficult in the Athenian courts. Judges were chosen at random on the morning of the tribunal from a group of 6,000 people, all of whom only served as potential judges for a limited time. In addition, the judges voted in secret (Elster, 1999, 269). The combination of these two factors made the manipulation of verdicts on political accusations very difficult and shows another interesting application of lottery selection. However, this system will not be discussed further here.

The historical details of these mechanisms are not relevant to the arguments that follow. However, they are helpful to illustrate that mechanisms of retrospective evaluation of randomly selected political representatives are practically possible, and what they might look like. Nevertheless, I will now argue why such retrospective evaluation should not be part of the lottocratic system.

Retrospective evaluation in lottocracy could generally take two forms: on

the one hand, similar to the Athenian system, the individual *people* could be evaluated; on the other hand, the *decisions* taken by the assembly could be subject to scrutiny or even approval by the general public. Both, I think, are problematic. There are *practical* and *moral* reasons against the evaluation and sanction of *people,* and *epistemic* reasons against the retrospective evaluation of *decisions.* I will argue each in turn.

With regard to the evaluation of people, sanctions in lottocracy are not necessary for *practical* reasons and not desirable for *moral* reasons. On a practical level, it is simply not necessary to decide who should remain in office and who should be dismissed, because everyone will be replaced after one term. Regardless of whether they performed well or poorly, whether they took their responsibilities seriously or were involved in objectionable networks, they will not serve a second term anyway. The claim sounds strong, but lottocratic systems simply do not need mechanisms to prevent people from staying in office or to select particularly able people to stay in office. Critics argue that this implication is undesirable because it causes a drain of talent and prevents particularly capable, talented or committed people from remaining in the political process (source). This is a valid concern, but it seems to be a price we have to pay if we want to prevent stable networks between politicians and private interests. Such networks are much more likely to develop if people stay in office for several terms.

Another practical reason against retrospective sanctions is that, without parties and political platforms, it is unclear how the randomly selected are to be judged for their behaviour on behalf of the represented. Any kind of retrospective evaluation of how a randomly selected citizen voted on a particular issue is fundamentally at odds with the concept of *indicative* representation which, as I argued in Chapter 5, underlies the idea of lottocracy. A central claim of the lottocratic idea is to empower people who are *like us* to make decisions on our behalf, and thus to make the decisions *we would have made had we been given the same information about an issue and participated in the decision-making process.* Without a clear mandate, such as a party manifesto published before an election, there is simply no yardstick against which to measure the people and their decisions. This objection, however, leads to a set of concerns that we can call moral concerns against the establishment of retrospective sanction in lottocracy.

The evaluation of people is *morally* objectionable for two reasons. First of all, it contradicts the essential value of *freedom of opinion.* The people who are elected to lottocratic offices did not run for those offices and did not promise a platform that they want to pursue. Instead, they are elected to act in their own interests, representing other people who, for demographic or other reasons, share those interests. But we cannot judge people for voting in

a certain way if they were not given a mandate beforehand on how to vote, and if they were essentially supposed to decide *in their own interest.*

It is important to stress that these individual interests are different from selfish interests. Voting because 'I will receive $100,000 from a private company if I support their preferred policy choice', because 'I will get a lucrative job after my term of office ends', or because 'I will win the bid for a desirable piece of land if I vote a certain way' is *egoistic.* In these cases, the elected are not acting as descriptive representatives of people who are like them, but are acting *egoistically.* Such behaviour needs to be controlled and prevented. I see good reasons why preventing capture and manipulation is easier and more realistic in lottocracy than in election-based democracy. I discussed these reasons in more detail in Section 5.1 in the previous chapter.

In election-based democracy, politicians can be sanctioned retrospectively for their behaviour if they have acted against their election manifesto or against the interests of their electorate. In lottocracy, neither of these thresholds apply. The central idea of lottocracy is that the elected bring their own opinions and points of view, that they behave *indicative* for other people from the same social group. The lottocratic representatives have no mandate to which they must respond. As long as the opinions expressed are not anti-constitutional and do not interfere with the fundamental rights and freedoms of other people, any control or retrospective evaluation of the opinions expressed by lottocratic politicians would contradict freedom of opinion and the idea of non-responsive, indicative representation.[2]

According to the lottocratic idea, whatever conclusion is reached by those selected should be accepted, as long as the process by which it was reached was not flawed. Lottocratic decisions can be criticised, for example, if the selection of experts was biased, if the lottery was rigged or, arguably, if the selected are not demographically representative.[3] But unless there are grounds for such criticism, and as long as the selected members have weighed the relevant reasons in good faith, they cannot be held accountable for their personal decisions. Retrospective accountability would require evaluating and judging their personal and *free* opinion. Morally, we simply must not punish people for expressing their free and honest opinions, as long as they do not unreasonably interfere with the personal rights of others.

A second moral reason against retrospective sanctions is that it would be problematic to expose the individual decisions of those elected to public scrutiny. Unlike elected politicians, these people have not chosen to stand

[2]Note that 'non-responsive' here means not responsive to the expressed wishes and preferences, not not responsive to the *interests* of the citizens.

[3]For a related discussion of possible ways to hold the organizers of randomly selected assemblies accountable see Vandamme (2023).

for public office. Instead, they are undertaking a civic duty. It is a delicate question to what extent people can be sanctioned for their performance in a public office to which they have been elected unwillingly.[4]

Any justification of their individual decisions would expose the members of the lottocratic assembly to public criticism. This exposure could have serious consequences for their personal lives. The diversification of the media landscape and the growth of social media have facilitated access to information and made public discourse more participatory. But they have also lowered standards of respectful communication and facilitated inappropriate, disrespectful and anonymous defamation of people. Elected politicians are increasingly exposed to expressions of rejection and hatred. Often they even face threats against their lives and their families (Dausend and Knaup, 2020). One hope for lottocracy is that such hostilities would diminish because of a greater similarity between those selected as representatives and those represented, and less resentment of the 'ruling elite'. However, people should not be exposed to such criticism and potential threat if they never voluntarily decided to take on the responsibility of being a member of the lottocratic assembly. Politicians in a sortition-based system would not actively choose to seek public office and expose themselves to this kind of publicity. They would be selected for the position by chance and fulfil their civic duty by serving in it. The more these politicians have to justify their behaviour, the more they are exposed to the judgements and potentially disrespectful opinions of their fellow citizens. It is objectionable enough that people who take on this responsibility *voluntarily* have to face such infringements of their personal freedom as they can be currently observed in social media. And it seems highly problematic to push someone into an office and force them to expose themselves to a public justification which may lead to intimidation, animosities and threats. The more those who are selected are exposed to retrospective evaluation and sanction, the more problematic it becomes to make political office an obligatory civic duty or to convince people to accept it.

Finally, retrospective evaluation in lottocracy is problematic for *epistemic* concerns. Some proposals suggest that the recommendations or decisions of lottocratic assemblies should not have definitive status, but should be made subject to public scrutiny and approval. The focus of these proposals is not to make the *people* taking these decisions accountable, but rather to install mechanisms of retrospective control over *decisions*. However, this step of subjecting the decision of the lottocratic assembly to the approval

[4]This issue becomes even more important if taking office were mandatory, as suggested in Chapter 5.

or veto of the general public or some other small group, such as an elected committee, contradicts one of the main arguments for lottocracy: namely that it would produce epistemically advantageous, informed and interest-responsive decisions. A political system is *epistemically advantaged* over an alternative system if it is "in a superior position to make use of available information and argument in ways that advance constituents' interests."[5] A policy decision is *interest-responsive* if it promotes the welfare of citizens in such a way that it responds to their objective interests, rather than merely 'responding,' in a more literal sense, to their expressed preferences and opinions.[6] The difficulty with interest responsiveness is that citizens' interests do not always coincide with their expressed preferences, and people may not feel represented by a decision that actually advances their interests. For example, people may oppose tax increases because of their short-term impact on their lives, even though they would advance their interest in better pensions in the long run. In line with the above definition, lottocracy is based on the assumption that a political system is *epistemically superior* if it makes better use of available information and arguments to advance the interests of its constituents. Lottocracy promises to produce policy decisions that advance the interests of the electorate because the decisions are made by people who are *descriptive representatives* of society, meaning that they are *like* their fellow citizens in relevant ways and attitudes, but better informed about the issue at hand. It is assumed that they will take decisions that are similar to the decisions that those who were not selected would have taken if they had been equally well informed. If these decisions are subject to retrospective evaluation by the general public, the stated *advantage* of lottocracy disappears: the idea that *better-informed versions of ourselves* make decisions on our behalf.

Following this logic of informed decision making, retrospective evaluations of lottocratic decisions by the general public would *reduce* the epistemic quality of those decisions. Indeed, such evaluations seem to reintroduce the problems of voter ignorance and political complexity that motivate the proposal of lottocracy in the first place. Retrospective approval of lottocratic *decisions* undermines the *epistemic* promise of lottocracy.

In the previous section I argued against mechanisms of retrospective evaluation and sanction in lottocracy. I began by presenting a standard account of principal-agent accountability: Accountability arises when (i) an agent A is

[5] I borrow this definition from Landa and Pevnick (2021, 59). Although they use it to defend elections and *oppose* lottery selection, the concept of epistemic superiority helps to understand my concerns about retrospective evaluation in lottocracy.

[6] See Chapter 3.3 for a discussion of the difference between preferences and interests and the concept of interest-responsiveness.

obliged to act on behalf of a principal B; and (ii) the principal B is empowered to sanction or reward A for her performance in this capacity. In lottocracy, elected representatives are supposed to act on behalf of their constituents, but the latter lack mechanisms of retrospective accountability. I illustrated possible mechanisms of retrospective control and sanction that were used in ancient Athenian lottery-based democracy. I then argued that any such retrospective evaluation seems objectionable in contemporary lottery-based political systems. First, such sanctions are objectionable on practical grounds. It is simply not necessary to prevent people from remaining in office, or to keep particularly able people in office. Moreover, it is difficult to evaluate their behaviour because there is no pre-announced platform against which to measure it. Secondly, retrospective sanctions are objectionable on moral grounds. It is fundamentally contrary to the concept of descriptive representation to hold people accountable for promoting their personal opinions. Randomly selected representatives are supposed to act *in their own interests*, thus promoting the interests of other people at the same time. Evaluating and sanctioning their behaviour violates freedom of expression. On the other hand, randomly selected citizens who assume a civil duty and did not voluntarily run for public office should not be subjected to public justification and the possible defamation and threats that politicians are increasingly experiencing. Third, I argued against retrospective evaluation on *epistemic* grounds. Retrospective evaluation of lottocratic decisions would reintroduce the problems of voter ignorance on complex political issues and thus reduce the epistemic promise of lottocracy.

Given this diagnosis, should we reject proposals for sortition-based political systems because they fail to establish retrospective accountability between the randomly selected and the represented? I think that those who believe that the kind of accountability sought in election-based democracies is necessary should indeed do so. But this rejection depends on an emphasis on the retrospective function of elections. But elections are supposed to fulfil a second function: that of *prospectively* selecting desirable representatives. With this selective function, they provide voters with a mechanism of *ex ante* control over the political system. In the next section, I provide an account of why lottery selection can be considered a desirable *selection mechanism* for political representation.

6.2 The prospective meaning: accountability as selection

In the previous section I argued that mechanisms of retrospective sanction should not be part of the lottocratic system for practical, moral and epistemic reasons. However, this does not have to mean that we have to reject lottocracy as a mechanism of meaningful accountability between the represented and the representatives. To support this claim, let me briefly discuss an interpretation of political accountability suggested by Fearon (1999) and taken up by Mansbridge (2009). Both point out that elections serve not only to evaluate and sanction politicians *past performance*, but also to elect people to office who are likely to advance the interests of the people. The assumption behind the selection approach to political accountability is that the more likely it is that a representative A will act on behalf of a represented principal B (condition (i) of the accountability definition introduced above) for *intrinsic* reasons that do not require control, the less important it is to control her behaviour retrospectively and to have mechanisms to sanction past behaviour. In what follows, I argue that lottocracy is a recommendable selection mechanism for finding such agents who require little retrospective control.

Fearon (1999) argues that elections are indeed more important as selection mechanisms than as sanctioning mechanisms for three reasons. First, because there is more to being a good politician than simply doing the voters' bidding. Politicians who change their behaviour in response to voter preferences are generally viewed with contempt, while politicians of principle are held in higher esteem. Similarly, while raising the cost of losing office, for example by increasing politicians' salaries, might induce politicians to act in citizens' interests, it is implausible that high salaries are a good way of motivating desirable types of people into office. Instead, elections seem to be about selecting good types rather than threatening politicians to behave in a certain way. Second, the imposition of term limits would be inexplicable if repeated elections were a necessary mechanism of accountability. In some Latin American countries, for example, presidents can only be elected for one term, and this would be pointless if re-election or not was the main motivation for behaving in the interests of citizens. Third, the empirical evidence points to the absence of significant last-period effects. If seeking re-election were the main motive for politicians' behaviour, then politicians would have no reason not to act selfishly or against voters' interests in their known last period. From a game-theoretic perspective, it would be most rational to behave as one wishes in the last term, but empirical data show that such systematic changes are very rarely observed (Carey, 1996; Lott and Bronars, 1993).

In contrast to the sanction approach to elections, the *selection* approach assumes that elections provide citizens with a forward-looking control over future policies by selecting people they consider trustworthy, competent and suitable to represent their interests. Although elections are the time to re-elect politicians who have acted in citizens' interests and to remove those who have not, the idea of the selection approach is to interpret elections not as sanctions but as opportunities to influence the composition of the legislature and thus the decisions it takes. The past behaviour of politicians is, according to this interpretation, only one possible criterion for predicting whether someone is a desirable candidate.

Mansbridge (2009) argues that this interpretation better captures how voters should perceive elections. She illustrates that in some jobs agents are only externally motivated, possibly by the threat of sanctions, whereas in other jobs agents may be intrinsically motivated. Furthermore, some jobs are easily predictable and highly repetitive in nature, while others necessarily require spontaneous and self-contained responses to unpredictable situations. Mansbridge argues that a pure *sanctioning* approach is applicable to assembly line workers, for example. People will seldom be intrinsically motivated to do the job, but will be motivated by external incentives such as pay and social security. To ensure that people carry out their tasks and work to the best of their ability, some monitoring of their performance and the threat of sanctions will probably be necessary. On the other hand, there are jobs which are less repetitive and predictable, and which require the autonomous contribution of the worker. In such situations, the appointment of a job should be decided by a conscientious examination of the appointee *ex ante* rather than by a close and critical assessment of her performance *ex post*.

To illustrate this distinction, Mansbridge uses the example of choosing a caregiver for one's children. A caregiver will face many unpredictable situations in which he or she will have to make spontaneous decisions based on his or her best judgement, and it will be impossible to monitor his or her performance closely. Such monitoring might involve, for example, videotaping his work when you are not at home and then watching the videos in the evening for possible misbehaviour. Such close monitoring defeats the purpose of delegation. In such situations, the selection of an agent is generally understood to mean the selection of agents who are intrinsically motivated and trustworthy, reliable people.[7]

Mansbridge lists four conditions under which the appointment of posts

[7]At first sight, this seems to be an argument against selection by lottery, since random selection can hardly be considered a careful ex ante selection of intrinsically motivated people. I provide an answer to this concern at the end of this section.

should be subject to careful ex ante selection rather than ex post monitoring and sanctioning (cf. Mansbridge, 2010, 3):

1. It is difficult to closely monitor the work of a particular agent.
2. Monitoring and the threat of sanctions would have a negative impact on the agent's motivation and performance.
3. The agent has to use his own initiative and act flexibly in unpredictable future circumstances.
4. There is a sufficient number of potential agents whose internally motivated interests are aligned with those of the principals.

In the case of political appointments, at least the first three of these conditions are met: (1) It is difficult to closely monitor the performance of political actors, to follow their precise decision-making behaviour and to form an opinion about the best decision in a given situation. People simply lack the time, information and knowledge to constantly observe and judge the behaviour of politicians. Moreover, it clearly contradicts the general idea of representation to closely monitor every decision of politicians and their justification. (2) Close monitoring and the constant threat of sanctions could have a negative effect on politicians' behaviour. They would be likely to focus on visible and quick results, to avoid taking decisions that are necessary but may appear unpopular at first sight, and to spend too much time optimising the appearance of their behaviour. (3) Political problems are complex and unpredictable. It is impossible to know in advance what skills and knowledge a particular decision might require, or to give instructions in advance for every possible situation. Therefore, the focus should be on selecting those agents who possess skills that will generally enable them to respond flexibly and responsibly to challenging circumstances.

Whether or not condition 4 is also satisfied depends on how one judges which potential agents are suitable representatives. In political elections, people seem to focus on *competence* or on certain *character traits* rather than on *likeness* of interests, demographics, or other characteristics. The goal of selecting good types, as Fearon understands it, focuses on sorting out those agents who have the necessary capacities to make good political decisions, who are likely to represent the interests of their constituents, and who will not behave selfishly or abuse power. In contrast to this capacity focus, Mansbridge stresses another criterion for choosing an appropriate representative agent: the alignment of principal and agent interests. If the interests of the principal B and his agent A are very similar, there is little reason for B to assume that

A might behave *against* B's interests (since A would then behave against A's own interests). Following the above example, when choosing a carer, it might be reasonable to choose someone who has children and whose parenting style I generally approve of. If my children spend their days with him and his children, it is likely that they will be treated as I would want them to be treated.

According to Mansbridge, the similarity between principal and agent makes ex post monitoring unnecessary. Under this assumption, condition 4 is indeed satisfied for the allocation of political office. If the condition for focusing on selecting rather than sanctioning representative agents is that there are sufficiently many people with similar *internally motivated interests*, then political offices can be appointed by focusing on *selecting* the right agents, while sacrificing mechanisms of ex-post evaluation and sanctioning that would be *external* incentives for interest-representative behaviour. If the goal of the selection mechanism is to find agents with sufficient similarity to the principals, then every citizen is potentially a good political agent as long as she shares enough characteristics, perspectives, and interests with the people she wants to represent. And, as I argued in the previous chapter on representation, the aim and promise of selection by lot is precisely this: to find representatives who are similar enough to the represented to know –like gyroscopes– from within what is in the interests of the represented.

In the first part of this chapter, I argued that retrospective evaluation and sanctions contradict some crucial ideals and goals of lottocracy. Second, I argued that lottocracy can nevertheless fulfil a second function usually ascribed to elections, namely the selection of suitable candidates as representatives. Representatives chosen by lot may not be the most competent or best qualified candidates, but they are similar to those represented in relevant respects and are more likely to act on their behalf for reasons of internal motivation and similarity of interests rather than because of external control. On this reading –if we are looking for a selection rather than a sanctioning mechanism, and if we assume, on the basis of the concept of gyroscopic and indicative representation, that good political representatives should be descriptively similar to their constituents– the selection of politicians by lot is justified as a suitable alternative to elections. Finally, I will turn to another dimension of political accountability introduced in Section 3.4, namely that of *answerability* and the justification of politicians' decision-making behaviour.

6.3 The literal meaning: accountability as justification

As pointed out earlier, *political accountability* has a dimension that is often ignored, especially when elections are interpreted mainly as sanctions. In its literal meaning, *accountability* refers not so much to the evaluation of a decision or behaviour, but rather to the explanatory act of *giving an account*, of *being able to explain* how and why someone behaved as she did. In other languages, this second dimension is more obvious because there is no single term that carries both meanings. In German, for example, *accountability* can be translated as *Rechensachftspflicht* or as *Verantwortlichkeit.* Thus, in choosing one of these translations, the focus is either on *explaining* one's behaviour (giving account = 'Rechenschaft ablegen') or on *assigning responsibility* (making accountable = 'verantwortlich machen' or 'zur Verantwortung ziehen'). The interpretation of political accountability as *sanctions* focuses on this latter interpretation of making someone responsible. But at least as important is actually the more literal meaning of accountability, that of *giving account* of how someone has decided or behaved.

This explanatory, justificatory dimension of accountability has been categorised as the *answerability* dimension of political accountability (Schedler, 1999) or as *deliberative* accountability (Mansbridge, 2019). More specifically, the demand for deliberative accountability can be divided into at least three steps: reporting, justification and apology (Palumbo, 2010). All of these require well-organised and binding formal processes to be effective. Exactly what these processes could and should look like in lottocracy requires further specification. In what follows, I will limit myself to suggesting that these three dimensions of accountability could be present in lottocracy and, in particular, could function more efficiently than in election-based democracy. In addition, I will argue why these three dimensions are particularly useful for the goal of generating *interest-responsive* policies.

In order to establish a relationship of accountability between randomly selected political representatives and all non-selected citizens, it is particularly important to provide effective mechanisms of *answerability* between the selected and the represented. Such mechanisms would work in two directions: on the one hand, they would require the selected to justify why they decided as they did. This act of justification itself has a moderating effect on decisions, motivating people to make decisions that they believe to be fair and justifiable in the light of accepted moral beliefs (Herne et al., 2022; Mansbridge, 2019). On the other hand, the process of justification explains to those represented the reasons and relevant background considerations that led

to a particular decision, and can thus have an educational function for them. If such explanatory mechanisms were in place, the general public would not, as criticised by Lafont (2020), *blindly* defer to the decisions of the lottocractic assembly. They would still *defer* to that decision, as is usually the case in representative democracy. But they would not *blindly* defer to it because they could understand the reasons that led to a particular political decision. And those reasons would be more in line with the views of the public at large than many decisions by elected politicians.

Elected politicians, who in most cases are very different from many members of society and at best try to *imagine* their perspectives but do not share them, can tell the general public *paternalistically* what is in their interests. Randomly selected and descriptively representative politicians could instead tell their fellow citizens *empathetically* what is in their interests. The communicative gap between elected politicians and the general public has increased political disenchantment and scepticism about the interest responsiveness of policy decisions (Faus et al., 2019). Many citizens claim that they do not understand what politicians are saying, that the language used by politicians is too complex and exclusive, and that they feel that politicians are deceiving them or only pretending to act in their interests (Felder, 2013). Of course, this problem could also be mitigated in election-based democracy by better communication from elected politicians, communication that would be more understandable and less elusive. Nevertheless, lottocracy has at least three obvious advantages over election-based democracy with regard to this *answerability* dimension of political accountability.

First, representatives in lottocracy could *report* their decisions and the reasons for those decisions in a language that is shared and understood by the represented and on the basis of reasons that are shared and understood by the represented. They could also report their decision-making behaviour in an honest way. On the one hand, they would not have to hide decisions in their own interests or those of some sponsors and try to deceive voters into believing that they were advancing their interests. Representatives in a lottocracy are not systematically different from those they represent. They share the perspectives and interests of those they represent and can therefore report their decisions in the light of what would be of interest to their fellow citizens. Elected politicians, on the other hand, cannot communicate with their constituents on an equal and empathetic basis. A change to lottocratic representation would allow for a better and more inclusive form of communication and justification. Representatives would speak the same language as those they represent because they share their perspectives and, on a very practical level, their educational background or language style. And even if some members of the lottocratic assembly acted in their own interests,

they could and should communicate this honestly, because in doing so they would also be acting on behalf of those who are like them.

Second, the *justification* of policy choices between elected and representatives might be more honest and understandable than that between elected and their constituents. This is partly because randomly selected representatives would not seek re-election, and partly because the reasoning of representatives would be more like that of the represented. Representatives would not have to please people or make them believe that certain decisions are in their interests when in fact they are not, but acknowledging this would be counterproductive to re-election. Nor would they have to make decisions in the face of a complex web of diverse interests from financial supporters and lobbyists, party manifestos and the preferences of their constituents. Because of the nature of elections, elected politicians often focus on satisfying the expressed (and possibly uninformed) preferences of their constituents, on promoting decisions that make their re-election likely, and on promoting decisions that please their sponsors.

Critics might argue that it is precisely the desire to please voters that leads politicians to act in accordance with voters' preferences. But since these preferences are often influenced by biased media information and social bubbles, much political influence is in the hands of undemocratic and uncontrolled actors such as media and digital companies. Elected politicians increasingly have to respond to the polarised opinions of their electorates, and must respond with more radical policy choices in order to be re-elected. Of course, media and private communication should not be controlled in a democracy. However, given their increasing influence on people's opinions and voting behaviour, a desirable political system should provide a counterweight to such polarisation and filter bubbles. In lottocracy, the 'pleasing' relationship between representatives and represented is replaced by a similarity relationship. Instead of trying to anticipate and satisfy the wishes of the electorate, representatives in lottocracy would *share* the wishes and needs of the electorate. Even if everyone who enters the lottocratic assembly is polarised and biased in some way, the process of deliberation and information in lottocracy forces people to *justify* their opinions, rather than simply expressing them with an unobserved cross on a ballot paper. This process of justification alone can reduce radicalisation. In a laboratory experiment, Herne et al. (2022) found that the need to justify a distribution pattern in a trust game increased the fairness of the chosen distribution. When people were not asked to justify how they distributed a given amount of money between themselves and two other players, they chose more selfish or arbitrary distributions than in scenarios where they had to justify their distribution decision to the other players.

In this context, we can distinguish between two dimensions of deliberative

accountability in lottocracy. On the one hand, the accountability between representatives and represented. And on the other, the accountability *among* the selected members of the lottocratic assembly (Mansbridge, 2019). The justificatory advantage just pointed out would probably appear mainly in the second relation, that between the members of the lottocratic assembly. I have already argued that it is objectionable to oblige people who have not voluntarily chosen to take political office to expose themselves to public justification and scrutiny. Nevertheless, such a requirement for justification enhances the quality of a decision in terms of fairness and compliance with moral standards. Such a justification may well be required within the lottocratic assembly. During deliberation and decision making, people are usually required not only to express their opinions, but also to give reasons for these opinions. It is through these explanations that people come to understand the perspectives of others and that decisions can be made in the light of all relevant reasons. However, more empirical research is needed to better understand the role of reasoning and to design processes that reliably enable it (Mansbridge, 2019).

The second level of the answerability relationship, the one to which I have mainly referred throughout this chapter, is the relationship between the randomly selected members of the assembly and the non-selected, represented public at large. In this relationship, individual members of the assembly should not be forced to reveal their personal opinions and reasons. This would expose them to too much potential hostility from those they represent. And such hostilities, or public opinion more generally, would reintroduce the problem of acting on uninformed preferences rather than on better-informed considerations. Nevertheless, the lottocratic assembly *at large* could and should be required to publicly justify its decisions and the process that led to those decisions. It would be possible to refer to individual reasons, but without attributing them to individuals. A detailed, honest and understandable communication of this reasoning process is central to the *indicative* promise of lottocracy.

Finally, lottocracy also has an advantage in terms of the *apology* aspect of answerability. The randomly selected do not seek re-election. They can honestly communicate mistakes or false assumptions and do not try to cover them up or deceive their voters. This would make it possible to *learn* from political mistakes and take countermeasures quickly, rather than denying or trying to hide potential mistakes, as elected politicians often do.

A key advantage that underlies all three of these considerations is the reduced *communicative gap* between political representatives and the represented. As noted above, representatives and the represented would share the same educational background and language style, and would argue on the basis of similar concerns and reasons. The growing *difference* between elected

politicians and their constituents drives elected politicians further and further away from their constituents. Indeed, it is here that the representatives *blindly,* or rather *deafly,* defer to the decisions of elected politicians, which are *communicated* in a language and complexity not understood by many members of society, and *motivated* by considerations and justifications not shared by many members of society. A particularly promising argument for lottocracy is that, if the mechanisms of reporting and justification are well designed and used effectively, the decisions of the lottocratic assembly will not only be taken on behalf of citizens, but will also enable citizens to feel represented, hopefully better than most people feel represented by current electoral-based democratic systems. Thus, in terms of the answerability dimension of political accountability, lottocracy promises to perform well: representatives can *report* their behaviour in a language shared by most members of society, they can *justify* their decisions based on shared reasons, and they can *apologise* honestly because they are not seeking re-election, which allows for quicker countermeasures to bad decisions.

Importantly, this assumption of a shared language of the public and the lottocratic assembly does not imply an assumption of homogeneity. Critics of lottocracy (Lafont and Urbinati, nd) stress the problematic assumption of lottocrats that there is *one* homogeneous society that is systematically different from the ruling elite. Such an assumption of a systematic difference between 'we, the people' and 'they, the rulers' is dangerously populist and should not be invoked by any of the arguments for lottocracy presented so far. Instead, the communicative advantage of lottocracy assumes that the lottocratic assembly will include some people with a very elaborate and educated language styles, some people from migrant backgrounds with limited language skills, older people with less modern language expressions, and people from rural areas, who may have different concerns about political decisions than people from big cities. Of course, this is not an exhaustive list. And many will rightly criticise it for being superficial or stereotypical. The only purpose of this list is to illustrate the diversity of the lottocratic assembly and how this results in different languages being spoken by the members of the assembly.

In order to live up to the communicative promise highlighted in the previous paragraphs, it is necessary to highlight another design choice of the lottocratic assembly, which requires further elaboration. If, as I have suggested in this chapter, lottocracy is to be regarded as democratic in the sense that it establishes a meaningful mechanism of accountability between representatives and the represented, then it is not only important that the members of the assembly speak the same language as the represented and share the reasons and concerns of the represented. It is also particularly

important that these languages, reasons and concerns are also present at the moment when the assembly's decisions are explained and justified. For this purpose, it is important that no professional speaker or organiser of the lottocratic assembly is in charge of reporting and communication. Rather, it is important that the members of the assembly themselves put together the reasons and arguments that lead them to take certain decisions. On the one hand, it must be ensured that not only those who are particularly extroverted or rhetorically skilled speak on behalf of the assembly. On the other hand, it must be avoided that only some of those chosen become the face of the assembly. This would expose them to the risk of personal, informal sanctions by society, for example through social media or in personal contact. It must be ensured that the communication of the assembly is done in the language of the assembly and with the reasons considered by the assembly, without the risk of exposing some individuals to particular hostility from society or of misrepresenting the assembly by relying on a distorted selection of speakers. If these requirements are met, the lottocratic assembly promises to outperform elected parliaments in terms of reporting, justification and apology.

However, the promise of lottocracy regarding the possibility of apologising for bad decisions rather than covering them up requires further clarification and possible modification. An apology without an addressee in a position to accept or reject that apology seems no more valuable than a confession in church. Thus lottocracy might need a second committee or institution to evaluate the conduct of the assembly, to assess apologies and their respective justifications. This might be an additional randomly selected assembly, similar to Bouricious' (2013) suggestion of a multi-body sorting system. Or this task could be given to the assembly that succeeds a current assembly. As I noted above, this assembly should not be in a position to sanction members. But we can think of other positive measures of evaluation. For example, certain bonuses could be subject to the approval of a succeeding assembly or oversight committee. Interestingly, such bonuses could be granted with a time delay. A certain bonus could be given if the responsible assembly approves the justifications and apologies given. Other parts of the bonus could be paid 5 or 10 years after the original decisions, when society is better able to assess the long-term effects of certain policies. Although a more thorough design and justification of such a positive reward system is needed, it is important to stress that the apology advantage of lottocracy can only be realised if the addressees of these apologies are in a position to accept or reject them. Although research shows that the mere need to provide a justification motivates people to make more considered and morally plausible decisions (Herne et al., 2022), an apology without an addressee comes close to a confession. However, the mechanisms for evaluating justifications and

apologies should not be based on retrospective sanctions.

In this chapter I argued that lottocracy lacks, and should lack, mechanisms of retrospective control and sanction. Introducing such mechanisms would undermine the key epistemic advantages of lottocratic decision making and run the serious risk of suppressing freedom of opinion and speech. Those who regard retrospective control over the content of decisions as a necessary element of a democratic political system must reject lottocratic proposals. I doubt, however, that it is reasonable to demand such retrospective control in a strong sense. Most election-based democratic systems do not give citizens a final say on legislative decisions. The only retrospective control in the hands of citizens is not to re-elect a particular politician. In many cases, this would not retrospectively change the decisions taken by parliament during that politician's term of office. Those who opt for lottocracy agree to trade off retrospective accountability for the diversified participation and indicative representation brought about by sortition-based political systems. I have argued that mechanisms of retrospective control are dispensable in lottocracy. The shift to indicative representation and the selection of agents who are like those they are supposed to represent makes retrospective control of the responsiveness of politicians' decisions to some extent less necessary, since politicians share more interests with their constituents and are unlikely to behave against their own interests. As argued in the previous chapter, to achieve such indicative representation, the representative group would have to be quite large and participation would have to be compulsory. Finally, I argued that lottocracy is more promising than election-based democracy in terms of the answerability of political representatives. Politicians do not need to whitewash their behaviour in the absence of power ambitions. Moreover, representatives are so similar to the people that even when they act selfishly, they act in the interests of a relevant group in society. Finally, because they are more like the people they represent than elected politicians, they share their language, perspectives and concerns and are better able to justify their behaviour and, more importantly, to indicate what the people's interests, rather than their preferences, would be, and to do so in a language that is shared and understood by the general public. Nevertheless, proponents of lottocracy need to say more about effective mechanisms to prevent corruption or other forms of manipulation, about mechanisms to ensure effective communication between representatives and the represented, and about the selection of experts and the moderation of deliberation in the lottocratic assembly to ensure that the process is such that it is genuinely responsive to interests and produces informed policy choices. However, these seem to be issues of design rather than democratic theory. They need to be resolved in order to defend lottocracy as democracy, but they are not reasons to reject lottocracy as an

alternative to election-based democracy. All of these, especially corruption and a biased selection of advisory experts, are also clearly deficient in many contemporary election-based democracies.

I argued that lottocracy satisfies two relevant dimensions of political accountability – the selection dimension and the answerability dimension. Both advance the goal that policy-making should be responsive to citizens' interests. The more this goal is achieved through careful ex ante selection of representatives and meaningful exchanges between representatives and the represented, the less important mechanisms of ex post control become. However, in order to ensure such a meaningful exchange between representatives and the represented, it is not only important that representatives justify their decisions, but also that the represented have some kind of effective influence on the political system. The absence of elections may not be too problematic in terms of accountability. But without elections, lottocracy disenfranchises everyone who is not selected and leaves the majority of citizens without influence on the political system. Through the mechanism of indicative, descriptive representation, political decisions in a lottocracy would be largely responsive to the interests present in society, even without *retrospective* citizen control over the decisions of the representatives. But without elections, citizens would at the same time lack *prospective* influence over the agenda that the elected assembly deals with.

So far, I have discussed lottocracy in terms of political equality, political representation, and the accountability relationship between representatives and the represented. In Chapter 4, I showed that lottocracy would be egalitarian regarding the expressive dimension of political equality, but it needs more mechanisms to ensure the acceptability of lottocratic decisions regarding content. Lottocracy can be justified mainly from a procedural point of view, but democratic decisions, at least on a more substantive interpretation of democracy such as I assume here, must also be acceptable in terms of their content. Relatedly, in Chapter 5 I showed that representation in lottocracy, as currently proposed or practised in actual citizens' assemblies, is inadequate because it leaves the interests of too many people unconsidered. And without mechanisms for equal participation for *all,* not just the selected citizens, lottocracy fails to democratically represent all interests. In this chapter, Chapter 6, I argued that the absence of retrospective control is less problematic than it seems at first sight, since intrinsically motivated and descriptively representative representatives require less external, retrospective control. However, since representation in lottocracy is not truly representative of *all* interests, as argued above, many people will be justified in feeling unrepresented, especially if they lack mechanisms for *prospectively* influencing the political agenda. In the next chapter I discuss this *participation-deficit*

of lottocracy and propose a mechanism of formal, prospective influence to overcome this problem.

Chapter 7

Lottocracy and participation – The need for participatory agenda-setting

Abstract

In elections, voters express who they want to represent them, but they also express what issues their representatives should address. Thus the citizens of a democracy shape the composition of parliament and set the political agenda. Democracy requires both effective participation and control over the political agenda. Proponents of lottocracy have said little about how this requirement can be met without elections. In this chapter, I show why the agenda-setting element is important to the ideal of democratic self-government. Building on this general argument, I show that current lottocratic proposals suffer from a participation deficit. To overcome this deficit, I propose a participatory agenda-setting mechanism in lottocracy. I illustrate a possible design of this mechanism and discuss several shortcomings of participatory agenda-setting. Despite these shortcomings, electing policy issues does not suffer from the same shortcomings as electing politicians. Therefore, more work needs to be done to design a democratic agenda-setting process for lottocracies. Without agenda-setting power for *all* citizens, lottocracy cannot be considered democratic.

7.1 The participation deficit of lottocracy

This thesis attempts to answer the question of whether lottocracy is a form of democracy, or whether it is rather a *non-democratic* alternative to election-based democracy. In order to answer this question, I have analysed three main

aspects attributed to democracy: political equality, political representation and accountability between representatives and the represented. To conclude the analysis, I now turn to another necessary feature of democracy: the *actual* participation of all citizens. A political system can treat everyone as politically equal, but leave *everyone* without any influence on policy-making. We would not call such a system democratic. A political system may also establish meaningful mechanisms of political representation. But if they are based solely on trust in the representatives and leave the represented without any participation, influence or control over their representatives, it is questionable whether they are mechanisms of *democratic* representation that allow for the self-government of all citizens. The abolition of elections as a means of selecting representatives can be democratic, as I have argued, if it properly generates gyroscopic representation. But the abolition of elections as a means of equal participation is problematic if it is not replaced by alternative mechanisms of participation. Finally, we want political representatives to be accountable to the represented. Standard mechanisms of electoral accountability have been criticised for various reasons, and I have argued that lottocracy relies on other mechanisms to ensure that representatives act on behalf of the represented. However, such accountability mechanisms seem idealised or overly optimistic if they leave the represented without any influence on their representatives. The aim of accountability mechanisms is to ensure that good and responsive policies are produced. I have argued that lottocracy promises to generate policies that are responsive to citizens' interests, and that it can represent the informed preferences that all citizens should rationally support. On the basis of this shift to indicative representation, it is less important, if not counterproductive, for citizens to be able to influence policy decisions according to their (potentially uninformed) preferences. However, in order to generate policies that respond to both citizens' preferences and interests, it is necessary to decide which policy areas to address in the first place. And it is unclear how these decisions are made in a lottocracy. How is it ensured that the issues that matter to citizens are addressed? While it is considered an inherent epistemic advantage of the lottocratic system that not all citizens have control over the output of the system, i.e. the actual decisions taken, it is a necessary condition of democracy that citizens have effective control over the input to the political systems, i.e. what the lottocratic assembly deals with. As noted above, mechanisms for effective participation are necessary to ensure that actual policy-making is based on the needs of citizens rather than the needs of small but influential interest groups (see Section 3.5).

For a democratic system, it is not only important that people are treated as political equals and are legitimately represented, but also that they can actually participate and actively influence policy-making. And in terms

of such actual participation, lottocracy as currently proposed cannot be considered democratic. Lottocracy as proposed by Guerrero (2014) has a serious participation deficit. It disenfranchises everyone who is not selected into the assembly. As currently proposed, lottocracy only allows for informal mechanisms of participation through town hall meetings, protests and opinion polls. Such informal mechanisms have no binding influence on the selected representatives, and they also impose an unequal burden of participation on citizens. In its current form, lottocracy does not provide *all* citizens with any real influence on policy-making.

This identified *participation deficit* of lottocracy becomes even more apparent in the light of Dahl's seminal work in democratic theory. In his work 'On Democracy', Dahl identifies five necessary criteria of democracy: (1) effective participation, (2) equality in voting, (3) gaining enlightened understanding, (4) exercising final control over the agenda, and (5) including adults (Dahl, 1998, 38). Obviously, equality in voting cannot be a criterion in lottocracy. I have argued above that lottocracy establishes political equality in other ways. In particular, it expresses the belief that everyone deserves and is capable of holding political office. In addition, lottocracy diversifies the set of perspectives considered in decision-making and distributes effective political influence justly. However, I also pointed out that the epistemic advantage of political equality is violated insofar as not everyone can express their opinions and perspectives. In lottocracy, most people do not participate, but only those who have been selected to the assembly. Nevertheless, compared to electoral participation, lottocracy generates a broader inclusion of different perspectives and may outperform electoral democracy in terms of the epistemic value of political equality.[1] However, to generate this epistemic advantage of lottocracy, it would be important to include all citizens, rather than just a diverse and representative sample.

Opportunities for enlightened understanding, I have argued, are enhanced in lottocracy. Representatives not only anticipate citizens' perspectives and act *for* the represented, but they are like them in relevant respects and enable the represented to learn their *informed* preferences on particular policy issues. Thus, their political decisions have an *indicative* function for the represented. Especially if well-designed channels of political communication are installed, this can increase the informed political understanding of the general public.[2] The demand for inclusion of all adults is also met in lottocracy. Arguably, inclusion should be extended to younger citizens or to residents with foreign citizenship. But regardless of possible extensions of participation rights, all

[1] See Chapter 4 for different dimensions of political equality in lottocracy.

[2] See Chapter 5 for this concept of indicative representation in lottocracy.

adults are equally included in lottocracy.

The two remaining points in Dahl's list require further consideration in the context of lottocracy: on the one hand, the *effective participation* of all members of the state and, on the other, the exercise of *final control of the agenda*. Let me begin by considering effective participation in lottocracy.

> *Effective participation:* Before a policy is adopted by the association, all the members must have equal and effective opportunities for making their views known to the other members as to what the policy should be. (Dahl, 1998, 37)

This requirement of *equal and effective opportunities for making their views known* is not met by lottocratic systems. Lottery-selection deprives all those who are not selected of an effective opportunity to make their views known. Hennig (2019) argues that it is sufficient that mechanisms of influence such as the right to demonstrate, free media, and something like town-hall meetings with politicians would still exist in a lottocracy. But such *non-binding* processes cannot be sufficient to guarantee effective and real influence of citizens on their government. On the one hand, such mechanisms of influence are not accessible enough to be considered egalitarian. It takes time, effort and even courage to participate in demonstrations or public political debates. Such mechanisms therefore exclude certain people from the political process, such as single parents who cannot afford childcare, people who face language barriers, or people with physical disabilities. On the other hand, Hennig does not justify how these mechanisms would influence politics without the formal and binding influence of all people. Even if the people have the right to protest against something, this protest is of limited value if the powerful are not obliged to act according to these expressed interests. In election-based democracy, the anticipation of elections is supposed to motivate politicians to act in the interests of the people. A randomly selected government that does not seek re-election would therefore have no motivation to take the preferences of the public into account in its decision-making. I argued above that lottocracy can generate good and responsive policy without traditional mechanisms of electoral accountability. But while the outcomes of the lottocratic system may be generally desirable, it remains largely based on *trust* rather than effective participation. In order to be considered a form of government *by the people*, mechanisms of influence, of effective participation by non-selected citizens, are needed.

The democratic requirement of *equal and effective participation* is therefore not sufficiently met in the current lottocratic proposals. As long as fundamental freedoms such as freedom of speech, freedom of association, freedom of the press and freedom of the media are respected, people do indeed

have the opportunity to participate, because they can take part in political protests, publish their opinions in newspapers or set up political initiatives. However, this participation cannot be considered *equal* because some people do not have the time, the means or the courage to participate. Moreover, this participation cannot be called *effective* because there is no binding influence of the represented on the representing. One of the advantages of lottocracy is that it reduces the influence of politically ignorant voters. However, this improvement should not come at the cost of depriving the non-selected of effective participation in political processes through an influential way of making their opinions heard. Lottocrats argue against giving everyone a final say on policy decisions. Unlike proponents of direct democracy, they are sceptical about the ability of everyone to make good decisions about policy options without prior information or debate. Therefore, voters should not have retrospective control or a final say on actual decisions, because policy issues are too complex to make rational decisions uninformed. It is therefore appropriate to delegate the actual decision-making to carefully selected and well-informed representatives.[3] Nevertheless, lottocrats should not argue that it is necessary or acceptable to deprive the public of all forms of participation, both prospective and retrospective. According to the epistemic justification of lottocracy, the decisions of randomly selected representatives should not be controlled and changed retrospectively. But in a representative democracy, all citizens must have mechanisms to instruct their representatives to take decisions on specific issues. While the restriction of retrospective control can be justified, the restriction of prospective control cannot.

To overcome this democratic deficit, most authors who defend sortition as an element of democracy advocate combined proposals. They either argue for bicameral systems in which only one chamber is randomly selected and the other is elected (Abizadeh, 2021; Gastil and Wright, 2019a; Zakaras, 2010) or they argue for the use of randomly selected assemblies with only advisory or oversight functions (Bagg, 2022; Landa and Pevnick, 2021; Stone and Malkopoulou, 2022). However, especially in bicameral systems, all the criticisms of the legitimacy of a completely lottery-based assembly apply equally to randomly selected chambers with less decision-making power. Why should an *illegitimate* institution have the power to veto or revise a decision taken by *legitimately* elected representatives? The approach of overcoming the democratic deficit of lottocracy by *combining* it with (arguably) legitimate democratic elections seems unconvincing. On the other hand, if elections are as problematic and democratically suboptimal as critics claim, why should we try to maintain this mechanism as a fundamental pillar of democracy? Thus,

[3]See Chapter 6 for the justification of this choice.

the approach of addressing the shortcomings of electing politicians rather than replacing the flawed mechanism altogether seems less than ideal. In the remainder of this chapter, therefore, I will propose a different approach: namely, to add an additional mechanism to the proposed lottocratic system and to overcome the participation deficit with an *alternative* form of election.

This brings us to the last necessary element of democracy identified by Dahl:

> *Control of the agenda:* The members [of the jurisdiction] must have the exclusive opportunity to decide how and, if they choose, what matters are to be placed on the agenda. Thus the democratic process required by the three preceding criteria [effective participation, equality in voting, gaining enlightened understanding] is never closed. The policies of the association are always open to change by the members, if they so choose. (Dahl, 1998, 38)

When discussing elections and the potential shortcomings of abolishing them, most people focus on one dimension of elections: the election of *people,* of political representatives. But there is also a second dimension to the electoral process: the election of a *platform,* of a pre-announced agenda, either of a party or of an individual candidate. Elections thus give people two kinds of influence on parliament: on the people who make up parliament, and on the issues that parliament deals with. This second influence is called agenda-setting power. According to Dahl, it is important for democratic systems not only that people can express their views on various issues by actually participating, but also that they can put issues on the political agenda on which they can *then* express their views. Without this second aspect, *control* over the agenda, people can only express their views on issues that *someone* considers important, but they cannot themselves put forward issues that *they* consider important. Landemore, for example, notes that

> Agenda-setting power is as essential to power, if not more so, as casting the final vote – the first, most visible face of power, which most people focus on. Given that issues or options to be voted on cannot formulate themselves, someone needs to be in charge of doing just that and, in the process, is bound to exercise an enormous amount of power. (Landemore, 2020, 60)

In election-based democracy, people are said to exercise both functions through their vote. They take an active part in choosing their representative and in so doing shape the composition of parliament. But in doing so, they also put issues on the agenda that have been campaigned for or raised by

the candidate or party they have chosen. Elections thus provide two forms of influence: the choice of representatives and the shaping of the political agenda. Only the combination of the two gives citizens real control over the political system and the policies under which they live.

In contrast to this ideal interpretation of elections, Landemore (2020) considers it a major shortcoming of election-based democracy that citizens do not actually enjoy agenda-setting power. Instead, she criticises limited agenda-setting power as an elitist, oligarchic feature of election-based democracy, where agenda-setting is exclusively in the hands of a few "administrators, bureaucrats, experts or elected oligarchies" (Landemore, 2020, 60). In election-based democracies, agenda-setting power is mainly left to parties, ministers and their staff. By voting for one party or another, voters can influence the agenda of parliament. But this choice is rather coarse-grained. Voters can only support a party's programme in an all-or-nothing way, either by voting *for* or *against* it. Moreover, in election-based democracy, elections are only a choice among pre-defined options. Voters can express their opinions on issues that other people or parties put on the ballot paper. But they cannot express their support for options that no one has put on the ballot paper. Therefore, according to Landemore, the real agenda-setting power is left to those who formulate the platforms, while voters can only agree or disagree with the ballot options that are offered to them. Moreover, between elections, the more nuanced shaping of the actual agenda is left to ministers and their administrations. And it is often criticised that some governments fail to address some of the issues raised in their election campaigns or coalition agreements. In such cases, the supposed agenda-setting power of the electorate is rendered obsolete. Landemore stresses that in election-based democracy, access to agenda-setting power is *not* equal (Landemore, 2020, 131).

In the context of lottocracy and mini-publics more generally, the issue of *agenda-setting* has been discussed mainly in terms of the power that organisers have over the final outcome by shaping the agenda of the assembly in one way or another. It is often criticised that the organisers and facilitators of citizens' assemblies have a great deal of influence on the deliberations and final decisions simply by putting certain topics and proposals on the agenda or by the order in which topics are discussed (Landa and Pevnick, 2020, 13). Lang (2008), in a seventeen-month fieldwork observation of the British Columbia Citizens' Assembly on electoral reform, found that professional staff had significant influence on the final decision through the way they designed the agenda. Participants often felt that they had no influence in changing the agenda or the course of the process. In particular, they reported that the chair of the assembly and the organisational staff were only partly responsive to their concerns and wishes. As a result, they felt they could not raise some

issues or follow some lines of thought that were not included by the organisers.

The concern about bureaucratic capture and the influence of unelected agents organising the lottocratic assembly is of course crucial to the quality and legitimacy of decisions. However, this concern is not limited to lottocracy. Parliaments in election-based democracies also depend on and are shaped by bureaucratic influences and unelected members of ministries. Ideally, their power is limited because they are controlled by elected members of parliament who are themselves accountable to their constituents.[4] But empirical and theoretical studies show the limits of this accountability, and several authors have discussed the power of bureaucrats in election-based democracies (Jann and Veit, 2021; Schnapp, 2004; Yates, 1987). In particular, the undemocratic influence of private interests and biased advisers has been widely criticised (Gilens, 2012; Lange et al., 2021).

Rather than discussing the question of agenda-setting in terms of the power given to organisers, I will focus on the democratic problem that precedes this organisational concern: namely, the question of how issues are placed on the agenda of the randomly selected assembly, and the problem that arises when this power is taken away from citizens. In the context of sortition, few authors have discussed the importance of democratic agenda-setting that involves the general public. In particular, the problem of losing the agenda-setting power ascribed to the electoral process has received little attention. Guerrero (2014, 160) proposes an agenda-setting mechanism in which the randomly selected lottocratic assembly *itself* sets the agenda it will deal with. Each single-issue assembly would decide what to work on in the next session by selecting a manageable number of options from a larger range of possibilities. In the process of deciding, they should seek input from some experts and stakeholders on the different issues under consideration. This would allow them to choose the options that are most important, rather than those that are best known or most interesting to assembly members. Decisions should also take account of what has been identified as important in some national or representative opinion polls. While this proposal seems to reduce the influence of organisers and bureaucrats at least to some extent, it is problematic from a democratic point of view: it leaves both vital functions of democracy –agenda setting and final decisions– in the hands of the same body.

Owen and Smith (2018) explicitly argue against leaving agenda-setting power in the hands of the randomly selected assembly itself. In the context of a bicameral proposal proposed by Gastil and Wright (2019a), they stress that leaving agenda-setting power in the hands of a few randomly selected

[4]See Chapter 2 for detailed objections to elections as a meaningful accountability mechanism.

citizens who serve for several years would greatly increase the possibilities for manipulation and corruption. Moreover, they argue that it would likely lead to concentrations of power within the assembly in favour of a few with strong opinions or rhetorical skills. Such patterns would create incentives to form coalitions within the assembly to put certain issues on the agenda, which in turn would reduce the deliberative promises of sortition-based assemblies because coalition-building tends to resemble party loyalties. They conclude that agenda-setting should be done either by an elected assembly or through alternative participatory ways (Owen and Smith, 2018, 430).

Interestingly, even in Landemore's proposal, her critique of oligarchic agenda-setting power in election-based democracy does not translate into equal agenda-setting power for all citizens. Instead, Landemore advocates an *equal chance* of being selected to the assembly that has *agenda-setting power* for the legislative assembly (Landemore, 2020, 145). In her proposal for open democracy, she argues for open, randomly selected mini-publics of about 150 to 1,000 members who have agenda-setting power for the legislative assembly. She emphasises that agenda-setting must be an open and inclusive process that allows ordinary citizens to exercise agenda-setting power. But she relies on the logic of descriptive representation in lottocracy and assumes that agenda-setting can be legitimately undertaken by a sufficiently large number of citizens, rather than by *all* citizens. While she suggests that the agenda-setting assembly could take into account opinion polls or input gathered through an online participation platform, the ultimate power to set the agenda would be left to the few selected to the agenda-setting assembly.

Both the Guerrero and Landemore proposals fail to recognise the importance of agenda-setting in democracy. Lottocracy, as currently proposed, and other randomly selected citizens' assemblies with less authority, face a *non-democratic participation deficit.* An inclusive, egalitarian and participatory agenda-setting process could help to overcome this democratic deficit of lottocracy. Moreover, a focus on agenda-setting rather than elections for final policy decisions can help to mitigate a difficult trade-off in lottocracy: lottocrats argue that involving everyone in the final decision reduces the quality of policy decisions, but as I argued above, it is an essential *egalitarian* feature of democracy to actually include all citizens in democratic decision-making.[5] A participatory agenda-setting mechanism could resolve this trade-off. Moreover, such a mechanism could provide a benchmark for at least *procedural* accountability between representatives and assembly members. In the next section, I propose a potential agenda-setting mechanism for lottocracy and elaborate on the various advantages just mentioned.

[5]See Chapter 4.3 for a detailed elaboration of this problem.

7.2 Elections of topics

As currently proposed, lottocracy has a participation deficit. Those who are not selected have no formal influence on the process and the decisions that are made.[6] In this section, I propose to overcome this participation deficit by reintroducing a form of *general, direct, free, equal and secret elections* into lottocracy: elections on *topics*, so that citizens regain control over the political agenda. More specifically, I propose a participatory, three-stage process in which people no longer vote for *politicians* or *parties*, but instead elect *topics* to be put on the political agenda. This gives everyone an equal and effective influence on the political system under which they live. It also provides a threshold against which randomly selected politicians can be held accountable, if not for the actual decisions they make, then at least for failing to address topics on their political agenda. According to Abizadeh, for example, "(e)lections are primarily a means not for individuals to consent, but to exercise *power* over political outcomes" (Abizadeh, 2017, 193). Lottocracts assume that citizens should not be in a position to actually consent to or veto policies retrospectively, because they lack the relevant knowledge and will not consent to necessary but unpleasant policies. Instead, the following proposal is intended to establish a different kind of control over policy outcomes: namely, that *all* citizens collectively *set the political agenda* for those citizens who are randomly selected as political representatives. As argued above, agenda-setting is "as essential to power, if not more so, as casting the final vote" (Landemore, 2020, 60). A participatory agenda-setting mechanism, as proposed below, has three major advantages: (i) it is epistemically less demanding to express *that* a particular issue is considered important than to express *what is the best solution* to that issue; (ii) these elections could introduce a mechanism of accountability into the lottocratic system, so that those selected would not be bound by specific mandates or held accountable for the opinions they expressed, but could still be held accountable if they failed to *address and decide* the issues put on the agenda[7]; (iii) elections on topics would give everyone an effective and equal say in the political process.

A participatory agenda-setting process would consist of three steps: (1) the proposal stage, (2) the ballot design stage, and (3) election day. For everything I argue in the rest of this chapter, it is important to define what counts as a *policy topic*. A *policy topic*, in the sense used in this chapter, is

[6] I say no *formal* influence because other forms of democratic participation would still be open, for example protests, petitions, activism, dialogue with members of the assembly, and also efforts to participate professionally in the organisation of the lottocratic process.

[7] See Chapter 6 for a detailed argument about the problem of retrospective control in lottocracy.

a relatively precise, but as to the outcome unbiased, issue that is relevant to society. Policy topics might be something like "a fair wage for nurses" as opposed to "a wage of €25 per hour for nurses", "the introduction of a wealth tax" as opposed to a more closed formulation like "a tax of 99% on incomes above €250,000 per year", or "reduction of packaging waste in industry" as opposed to "increased taxes on packaging waste". Policy topics should not include concrete policy proposals. Rather, they are relatively precise policy questions that do not suggest a specific policy direction or decision.

Only such *open* formulations of political topics leave room for the *deliberative advantages* of lottocratic assemblies. Moreover, more precise formulations would reintroduce the problem of voter ignorance, since voters would have to be informed as to whether €25 per hour is a reasonable wage, given the workload of nurses and the overall financial situation of the health system. By merely putting a *topic* on the agenda, thus expressing that something needs to be done about an issue, but without already defining *what* to do about it, the actual decision is left to *descriptively representative* citizens who have been properly and, importantly, diversely informed. This two-step procedure of having *all people* decide on the issues to be addressed, but leaving the actual decision to *informed citizens*, would merge the participatory advantages of general and free elections with the epistemic advantages of lottocratic decision making.

With this general remark in mind, let me now elaborate on the actual procedure of topic proposals, ballot design and voting.

1. **The proposal stage:**

   Six months before election day, all citizens can propose topics they consider relevant for the next Legislative Assembly. The proposal phase lasts three months. There are several channels for these proposals. First, people can form citizens' initiatives and put topics on the ballot immediately if the issue is supported by a sufficient number of signatures. The required threshold could be relatively low, in contrast to the current citizens' initiative, as each issue would be subject to a later vote by *all* citizens. Secondly, there would be an online platform where citizens could suggest topics they think should be addressed by the next legislature. Importantly, these suggestions would be submitted via a free text field, rather than by selecting topics from a pre-defined list. This allows for a truly open submission of topics, which is not biased towards certain issues or limited to choosing from suggested topics. However, the use of online platforms for topic suggestions can also be problematic. For example, in the case of the Icelandic citizens' assembly on constitutional reform, certain personal characteristics were

over-represented in online participation, namely highly educated and male people. Similarly, in a Finnish citizens' assembly, the majority of participants were male, educated and politically active (Landemore, 2020, 98). To reduce these problems, public initiatives should encourage people to participate and students should be educated about the process of submitting proposals and the importance of doing so. In addition, topics could be suggested by mail and access points for suggesting topics should be widely available. Participatory events could be organised that require less time and organisation, such as the 'national day of deliberation' proposed by Ackerman and Fishkin (2005). More generally, the process and public culture should be such that proposing topics for the ballot feels easy and accessible.

2. **The ballot design stage:**

   At the end of the proposal phase, a ballot committee will be responsible for collating the proposals and designing the final ballot. It is essential that this committee is politically neutral, impartial and obliged to carefully document and justify its work. A thorough justification for the composition of this committee is required, as those who are in control of the agenda can manipulate the outcome of an election simply by the way an agenda is designed (Riker, 1982, 137).

   This ballot committee would be responsible for drawing up the final ballot paper to be voted on by all citizens on election day. Within this process, the different channels of participation will be treated slightly differently. Proposals submitted by citizens' initiatives that already exceed a certain number of supporters will be put on the ballot immediately. Proposals submitted in free text form via the platform or other participation channels will be clustered with the support of a text analysis algorithm. Topics proposed by citizens' initiatives and participatory channels will be considered together. All suggestions will then be grouped into concrete policy areas and formulated as concrete policy topics that meet the above criteria of precision and openness. All issues that exceed a certain number of mentions should be placed on the final ballot paper. However, in order to allow for a meaningful electoral process, the total number of topics placed on the ballot will have to be limited at some point. For the sake of argument, let us assume that the 50 topics with the most mentions would make it onto the final ballot. I will discuss this issue in more detail below, as well as the voting procedure itself.

   In addition to the citizens' suggestions, a certain number of topics

submitted by a scientific committee and the current lottocratic assembly will be put on the ballot immediately. Each of these committees could add five topics to the ballot, bringing the total number of topics on the ballot to 60.[8]

The ballot committee would be responsible for clustering and framing topics appropriately, but it would also be responsible for *ordering* the different topics on the ballot. This ordering must be done according to a clearly defined mechanism. The most obvious way seems to be to rank the issues according to the number of mentions in the proposal phase. Thus, issues with the most mentions should be put on the ballot first and those with the fewest mentions last. However, empirical evidence suggests that voters pay more attention to items at the top and bottom of a list, a phenomenon known as the primacy and recency effect (Miller and Krosnick, 1998). A different ranking mechanism is therefore required. However, a thorough discussion and defence of a desirable mechanism will be postponed here, as it is only necessary if we come to believe that a participatory agenda-setting process is necessary at all.[9]

The three main tasks of the ballot committee are to group the proposals together, to reformulate them in a standardised and open way, and to order them on the ballot. An oversight committee should be set up to review the final ballot and the process of compiling it, and to suggest any necessary changes. By diversifying the channels of participation and the committees involved in the process, the process should be designed to minimise undue manipulation. It is important to avoid some topics with high support being *not* put on the ballot. To achieve this, the ballot should be published at least six weeks before election day, and from then on it should be open to challenge by anyone. If the legitimacy of the ballot is challenged, the ballot committee would have to defend why the ballot ended up the way it did, and prove with documentation that no high-level issues were unjustifiably left out.

[8] I will elaborate below on the importance of having such a scientific committee in order to realise the *epistemic* promise of lottocracy, and on the need for the current lottocratic assembly to propose some topics to enable consistent and continuous policy making.

[9] Some US states have responded to the impact of the order of options on the ballot by requiring that the order of candidates be rotated from ballot to ballot, with each candidate listed first equally often, in order to create fair voting conditions (Krosnick et al., 2004). I doubt that simply rotating the options on the ballot in a fair way will make the voting results more meaningful in the context of agenda setting discussed here.

3. **Election day & vote counting:**

   A central element of the participatory mechanism I propose is the method of voting. In current elections, people are allowed to cast one (or in some systems two) votes for a person or party, thereby supporting in a rather undifferentiated way the entire programme of that candidate, even though they may ultimately agree with only some of the items on that candidate's agenda. Under such voting mechanisms, the party or candidate with the most votes wins, regardless of the order of preference of all voters for different candidates. Voters can only express their support for their preferred candidate, but they cannot express who would be their second or third best option. In contrast, agenda-setting in lottocracy should employ a more sophisticated voting system: Borda counting (de Borda, 1784).[10]

   I propose the following voting procedure. On election day, each voter has the right to choose ten of the sixty policy topics on the ballot paper and rank them according to his or her personal preferences. The topic considered most important is given a score of ten, the second most important option is given a score of nine, and so on until the least important of the ten chosen topics is given a score of one.

   After the votes have been counted, all topics are ranked accordingly. The topics that received the most votes (either a high number of votes or a high weighting, or both) would be ranked first, followed by those that received less support. The thirty topics with the most mentions would be placed on the agenda for the next lottocratic assembly. In addition, a further ten topics could be added to the agenda by the scientific committee and the previous lottocratic agenda. These could be either the topics proposed for the ballot paper but not selected by the citizens, or additional topics. The final agenda would thus list forty topics to be dealt with by the lottocratic assembly.[11]

[10]There is a century-long debate about the advantages and disadvantages of Borda counting over Condorcet counting and vice versa. I cannot reconstruct or contribute to that debate here. For arguments for both procedures see Risse (2004, 2005) and Saari (2003, 2006). I discuss some of the advantages of Borda voting below. There may be reasons to choose a different voting procedure in the end. However, before entering into the debate on this design feature, it is first necessary to defend why we need a participatory agenda-setting mechanism and what exactly it is supposed to achieve. This is my sole aim in this section.

[11]This is just a preliminary suggestion to illustrate this proposal. I discuss this proposal and the numbers just suggested in more detail below.

A participatory agenda-setting mechanism such as the one just proposed could help overcome the identified participation deficit of lottocracy. However, designing such a system is not an easy task. The proposal just presented can help to get an idea of what such a system could look like and what it should deliver. But this proposal itself faces several problems. Social choice theorists have pointed to the difficulties of agenda setting and the risk of influencing outcomes by setting the agenda in a particular way. In this context, both the choice of voting procedure and the presentation of choices are important. I have proposed Borda voting as a desirable voting rule for a participatory agenda-setting mechanism. It is a relatively simple method that allows voters to clearly express which options are most important to them and to rank their preferences in descending order.

This type of ranked voting is preferable to possible alternative voting mechanisms: approval voting and cumulative voting. Approval voting is a mechanism that allows voters to vote for or against each of the available options. It then counts which options received how many approval votes, and the most supported option, or a selection of the most supported options, wins (Pacuit, 2019). This voting method is not desirable for agenda-setting purposes because it neglects the fact that only *some* people might find an issue important, but for those few people it might be a *very important* issue. Like current voting in elections, it allows only to express that an issue is considered important, not *how* important it is.

An alternative voting method that could be used is *cumulative voting* (Taylor, 2005) In cumulative voting, each voter has a certain number of votes, say ten, and can distribute those ten votes freely among all the options he or she considers important, including giving all ten votes to only one option, giving two times five votes to two different options, and so on. Cumulative voting is problematic for two reasons. Firstly, it is difficult to weigh up the importance of different options in a meaningful way, because it is difficult to judge whether something is twice, three times or five times as important as something else. In particular, different people will have very different intuitions about this. On the other hand, and more importantly, cumulative voting leaves a lot of room for strategic voting and makes it very difficult to predict the impact of one's vote. If person A gives three votes to something he thinks is very important, while another person B gives all ten votes to something he thinks is important, then the impact of A's vote will be undermined by other people using different weighting schemes.

The advantage of Borda counting is that it is a relatively reliable way of expressing the intensity of attitudes. It is easier to rank options than to assign individual importance scores to different options. It is easier to say whether something is *very* important, *moderate* important or *slightly*

important than to say whether something is twice or five times as important as something else. In this way, Borda counting makes it possible to put on the agenda issues that are very important to a minority of people, as well as issues that are not very important but are important to a large number of people. Moreover, an often-criticised shortcoming of Borda counting does not apply to the agenda-setting election proposed here. It has been suggested that Borda counting is problematic because an ideology or programme can significantly increase its chances of winning under Borda counting simply by increasing the number of candidates running for that programme (Dummett, 1998). In the agenda-setting process proposed here, the ballot committee is responsible for clustering proposals and eliminating multiple mentions. Thus, it would not be possible to put an issue on the ballot multiple times in different formulations.

Even if Borda voting turns out not to be the best choice for counting the votes, it seems uncontroversial that we will be able to agree on a method that can count the votes in an acceptable way. But the above proposal faces additional problems. Suggesting that lottocracy should involve participatory agenda setting can only be a first step in making lottocracy more democratic, but more work will be needed to thoroughly design this system and make it truly democratic. In particular, more needs to be said to address four obvious problems with this proposal. Two of them are minor problems that seem to be solvable by careful design of the process. However, two other problems appear to be more difficult to resolve and raise questions about the feasibility of participatory agenda setting. The two minor problems are the influence of the ballot design committee and the potential epistemic shortcomings of participatory agenda setting. The more serious problems are determining how many options can be meaningfully voted on and how to limit the undemocratic influence of the media on agenda setting. I briefly discuss these four problems below.

First of all, the ballot committee is given a lot of power. The ballot committee would be responsible for reformulating and ranking the issues. The committee standardises the wording of the ballot so that it is equally precise, without proposing specific policies. But the wording and order of the issues could have a significant impact on which voters consider relevant and which they neglect. Landemore criticises the fact that the people who have the power to put issues on the ballot have an enormous amount of power, arguably more power than the people who actually vote. In the ballot committee, this power, which is currently in the hands of the parties and therefore theoretically available to everyone, would be given to a small group of people who are not democratically elected to exercise that power. However, if we do not believe that institutions can be designed to work in the interests

of citizens and protected from manipulation, then any democratic project becomes questionable. The design of the electoral process must be such that the power of the electoral committee is limited to following a clearly defined procedure, rather than giving them a great deal of leeway. For example, multiple oversight committees, frequent rotation, and public review of the ballot can all reasonably limit the power of the ballot committee. In addition, the final say on what issues are actually addressed will be in the hands of all citizens. Even if a single party manages to get its preferred issue on the ballot, it will not necessarily become part of the political agenda.

A second minor problem with participatory agenda-setting process is related to the epistemic shortcomings of elections. Lottocrats argue that a key advantage of lottocracy is that it allows issues to be addressed that are in some way unpalatable to the general public and would not normally be addressed by politicians seeking re-election. Guerrero (2014, 168) points out that *elected* politicians often fail to address problems that have immediate *costs* for their constituents, while the *payoffs* will only be realised in the long run. A paradigmatic example of such a problem is the politics of climate change. Tackling the urgent problem of climate change requires policies that significantly reduce carbon emissions, the use of fossil resources and environmental degradation in general. To achieve these goals, most people will have to accept reductions and restrictions in their current ways of living and consuming. Many people are reluctant to give up freedoms they have come to regard as normal and deserved. Given the incentive mechanisms of elections, most people will therefore punish politicians for implementing policies that impose costs and restrictions on them in the short term, while the benefits will only be realised in the long term.

Against this argument, critics of lottocracy object that randomly selected citizens in the lottocratic assembly would have the same reluctance to implement inconvenient policies. However, lottocrats stress the important role of the deliberative and educational process in lottocracy. Deliberative democrats have called this the 'unforced force of the better argument' (Habermas, 1987). While people often reject drastic policy measures when they are confronted only with the negative consequences of such measures, many people come to support such drastic measures when they learn about the possible consequences without such measures, about possible alternative courses of action, and about relevant scientific and social evidence on the issue. This helps to justify citizens as informed *decision-makers*, but it poses a problem for the proposal to make citizens *agenda-setters.*

To ensure the epistemic quality of the system, therefore, it will be necessary to leave the agenda-setting process not only in the hands of citizens. While it is assumed that they will be able to decide in favour of necessary, even

if costly, policies once they have been properly informed, most citizens are unlikely to put issues on the agenda that are likely to constrain them, while not putting these issues on the agenda would not have immediate negative consequences for them. In particular, issues that have not yet reached a certain level of public debate are unlikely to be easily put on the agenda. For example, the German government has been discussing the introduction of speed limits on German motorways for a number of years.[12] But it is only recently that the lack of speed limits has attracted public attention and been included in party manifestos in the general election. It has always been argued that a speed limit could significantly reduce the number of accidents and deaths on the roads. But more recently, the issue has received more attention because a speed limit could significantly reduce carbon emissions from road transport. Because of this increased attention, ordinary citizens might now put this issue on the political agenda and have it debated by a lottocratic assembly. But five or ten years ago they may not have been willing to do so, or may not have been aware of the issue at all. More generally, there are many other policy issues where most citizens are unaware of (a) how they are affected by them, (b) that they can be changed, and (c) how they can be changed. In particular, many financial regulations, tax rules and transfer payments are opaque issues for many people and they may be unwilling or unable to put them on the political agenda. However, such information- or knowledge-intensive issues are no less important and certainly require political attention, whether by an elected parliament or a randomly selected assembly. Therefore, the agenda-setting process in lottocracy needs to be such that all issues of great social importance are put on the agenda, including those issues that tend to be ignored by elected politicians or uninformed citizens.

To ensure the epistemic quality of lottocracy, in addition to citizens as agenda-setters, a scientific committee should influence the political agenda. This committee should be able to put topics on the ballot so that citizens can express their opinion on them. In addition, the committee should be able to put five topics on the final agenda immediately. This would ensure that important but unknown or uncomfortable issues are addressed and brought to the attention of citizens. The scientific committee should be composed of a

[12]For readers who are not familiar with this peculiarity of German traffic law, the *recommended* speed limit on German motorways is 130 kph. However, there is no general speed limit at this level. Unless otherwise stated, it is legal to drive as fast as you can, as long as you do not "drive at an unreasonable speed and in a grossly irregular and reckless manner in order to achieve the highest possible speed" (§315 of the German Criminal Code) and do not violate your duty of care to an unusually high degree (Wenig, 2022). In extreme cases, this can lead to incidents such as that of a Czech multi-millionaire driving at over 400 km/h on the German A2 motorway.

certain number of scientific experts from different fields of societal relevance (e.g. climate science, social science, economics, medicine, natural science, education). How to staff this committee to ensure the quality of input and to prevent manipulation needs further discussion. However, the input of such a scientific committee is necessary to ensure that important, unknown or uncomfortable issues make it onto the political agenda. In addition, and as an additional guarantee of epistemic quality, the current lottocratic assembly should also have the right to propose topics for voting and to place five topics on the final agenda. This would ensure continuity in policy making and ensure that issues identified as important, urgent or difficult receive the attention they deserve. In order to ensure the epistemic promises of democracy, agenda-setting in lottocracy must be a tripartite process, divided between the general public, a scientific committee and the lottocratic assembly. Only in this way can lottocracy become not only an egalitarian, participatory political system, but also one that promises to produce epistemically desirable decisions.

Both of these issues –the quality of the electoral committee and the assurance that important issues will be put on the agenda– require careful attention in the design of a participatory agenda-setting proposal. But both are solvable and do not undermine the proposal to introduce such a system in lottocracy. In addition, however, there are two more difficult problems that may make participatory agenda-setting unworkable. These two major problems are (a) determining a meaningful yet manageable number of ballot options and final agenda items, and (b) the impact of public media on the agenda-setting process.

To illustrate the problem of numbers in the agenda-setting process, let us consider a simple question: How many issues does a democratic parliament deal with? In the election manifestos of the major German parties for the 2021 federal elections, between 150 and 350 issues and respective policy directions were discussed.[13] The coalition agreement of the actual government ended up addressing 50 different issues, most of which were divided into several more precise topics. For example, under the heading 'Climate Protection and Social-Ecological Market Economy', the issues of the industrial sector in general, the transformation of the car industry, aerospace, the maritime economy, small and medium-sized enterprises, crafts, retail, supply chains, free trade and others are discussed (Koalitionsvertrag, 2021). Each of these policy areas is so large that several *topics* of the scope suggested above could be formulated about them. For agenda-setting to be a meaningful means of participation in lottocracy, the topics would need to be relatively precise. For example, the issue of a "fair minimum wage for nurses" proposed above

[13]For details see Die Grünen (2021); CDU & CSU (2021); FDP (2021); SPD (2021).

could be only one of many issues in the large field of health policy or labour market policy. If voters can only put very large issues such as 'health care reform' on the agenda, this leaves them with little real, meaningful influence on the political agenda. Instead, they would need to be able to promote issues that are genuinely pressing political concerns for them. But there remains a problem of scale. If we assume that the final political agenda resulting from the process described may consist of 100 or even 150 issues, then the ballot on which people can vote would have to present at least 200 to 300 options. Given that the ballot itself is the result of a participatory process, it seems questionable to reduce topic proposals from several million people to a few hundred topics. But even if this step can be taken, a reasonable voting process from so many options seems questionable. What voter is going to sit down and read through 300 issues and stay alert enough to then meaningfully express which, say, 50 to 80 issues she thinks are most important? As noted above, most people will pay much more attention to the issues at the beginning of the ballot than to those at the end. Moreover, while ranking 10 options seems to be a manageable process, ranking 50 topics in a way that actually reflects one's personal preferences is very questionable. While the suggestion of participatory agenda setting is highly attractive from a democratic perspective and necessary for the democratic status of lottocracy, it seems almost unfeasible from a practical point of view. Thus, participatory agenda-setting in lottocracy faces a serious trade-off between practicality and meaningfulness. Unfortunately, I cannot resolve this issue here. The aim of this chapter can only be to justify the need for participatory agenda-setting in lottocracy and the idea of elections on policy topics. If I succeed in doing so, we should begin to design the processes best suited to bring about the supposed benefits of such a system.

To complicate matters further, let us turn to the second major problem of participatory agenda-setting mentioned above: the impact of the media on citizens' political awareness. Since the 1970s, so-called agenda-setting theory has highlighted the role of the media in setting political agendas. Journalism theorists McCombs and Shaw (1972) point out that issues that receive wide coverage in the mass media also receive more attention from voters. While these media may have comparatively little influence on what voters think, i.e. their actual attitudes to certain issues, they have a very large influence on what voters think *about* (Cohen, 1963). More than 500 empirical studies now support the claim that issues that receive more media coverage are perceived as more important by the public (Johnson, 2013; McCombs and Valenzuela, 2021; Lee, 2021). By analysing what voters consider important *topics*, regardless of individual candidates' *opinions* on those topics, McCombs and Shaw (1972, 181-185) show that voters pay considerable attention to

the composite of news, not just what particular candidates think. Which *topics* voters consider important correlates strongly with which topics the mass media cover. Findings on the general correlation between journalists' coverage and their audiences' interest suggest that it is unlikely that the correlation is the other way round – that the mass media simply manage to comment on what is important to citizens.

While participatory agenda-setting may address the participation deficit of lottocracy, it reintroduces, at least to some extent, an important shortcoming of election-based democracy: the influence of private interests and unilateral influence.[14] News channels, marketing campaigns and social media discourse have a powerful impact on the political agenda. In election-based democracy, because they steer what citizens consider important and thus what parties put on their platforms. In participatory agenda-setting in lottocracy, they can have a relatively direct impact on which issues make it onto the final political agenda. And while this seems to be a major concern against participatory agenda setting, it also presents us with a general dilemma in democracy: either we defend the importance of free speech and free media and trust people to have political opinions however they are formed; or we question the rightness and validity of some political opinions and try to steer speech and media to help people form only certain political opinions. The latter is clearly an undemocratic enterprise. An essential element of democracy must be public discourse and political education, and the more participatory a democratic system becomes, the more important it is to educate people about their influence and the consequences of their choices. But if we want to live in a liberal democracy, we must not restrict the freedom of the media in order to prevent the system from being influenced by the media. Instead, we need to educate people to understand that influence and to be able to deal with different sources of information at the same time. This ability is as crucial to the lottocratic project as it is to election-based democracy. And it will become even more important as the media landscape diversifies and information and marketing become more targeted.

The reintroduction of media influence and potential manipulation of the agenda-setting process is certainly a major drawback of participatory agenda-setting. Nevertheless, such a mechanism is necessary if lottocracy is to be democratic. Otherwise, those who are not selected to the assembly cannot be said to govern themselves, but are governed by others, by a representative sample of society over which they have no influence. As noted above, designing a voting system for agenda items is difficult simply because of the numbers

[14]Owen and Smith (2018) raise a similar concern in their discussion of a randomly selected chamber with agenda-setting power.

involved. The quality of a voting mechanism with about 200 to 300 options and 50 to 80 votes to rank is very questionable. Could a different design of the agenda setting process solve this and the other problems discussed above? Here is one possible alternative.

Instead of proposing topics, creating a ballot and voting on the options on that ballot, the agenda setting process could be completely open. In essence, what has been suggested above as the proposal stage could become the main voting mechanism. Elections would then consist of proposing freely formulated issues rather than voting on given options. On election day, each voter could list ten to twenty freely formulated policy topics. All suggestions would then be clustered using text analysis algorithms and reformulated in the precise, open and unbiased way described above. The 130 topics with the most mentions would make it onto the final agenda and could be supplemented by 20 topics from the scientific committee and the current lottocratic assembly.

This proposal has two clear advantages over the three-stage process proposed above: it avoids the problem of numbers, since there would be no vote on several hundred topics and more than 50 votes; and it avoids the influence of the ballot committee. Arguably, some influence would be left to the committee that clusters the selected issues, but the problem of topics being formulated in a biased or tendentious way would be avoided, as well as the difficulty of ranking alternative options on the ballot. However, this proposal also has three disadvantages, which are not necessarily outweighed by the advantage of avoiding the problem of numbers. Firstly, an open voting mechanism seems to be more demanding and to make participation more difficult. Some people may feel that they have nothing to say, that they have no idea of important issues, or that they lack the precision to formulate such issues. It is often the case that people are willing to vote on some given options, but few people are willing to speak up and propose electable options. Suggesting topics on election day would be a secret process so that no one would feel shy or intimidated, but in many cases people only come up with certain options after discussing them with others or seeing alternative options. All these advantages would be lost or reduced in an open voting mechanism.

Second, and perhaps more importantly, a fully open election mechanism would increase the influence of the media. People would probably suggest issues for the agenda that they think are important. But what people consider important, or even think about, is heavily influenced by the media and the discourse in their social networks. In a pre-written ballot, people would be confronted with some issues and options that they may not have thought about before. These may not be the issues they consider most important, and they may be reluctant to vote for issues they have never considered before. Nevertheless, even the brief exposure to proposals on polling day could lead

people to think of or vote for topics that they would not have suggested in a free formulation process. Therefore, the influence of the media seems to be even stronger in a completely open electoral process.

Finally, the practicality of such a process seems questionable. Empirical evidence would be needed to assess the turnout, the quality of the proposals, the possibility of clearly grouping them, and also the risk of manipulating people's voting behaviour. All this would require further discussion and testing. But obviously this design of the agenda-setting process also seems problematic.

Is it worth pursuing the effort to design such a participatory agenda-setting process? Given the difficulties outlined above, should more time and research be invested in developing such a process? Finally, this proposal seems to necessarily involve the reintroduction of some form of mass participation and elections. Many proponents of lottocracy explicitly criticise the shortcomings of uninformed mass participation and elections. If participatory agenda setting is so difficult and elections are problematic per se, why should we try to implement both in lottocracy? In the next section, I discuss this concern and show why electing policy topics does not face the same problems as electing people and parties.

7.3 Elections again?

Lottocracy, as currently proposed, has a participation deficit. This deficit could be overcome by introducing a mechanism for participatory agenda setting. I have suggested that people should be able to vote on *topics* which are then placed on the political agenda of the lottocratic assembly. While this seems like a promising approach, its practicality is questionable. A lot of work would have to be done to develop such a mechanism sensibly. Is it worth the effort? The starting point for proposing lottocracy in the first place is the *criticism* of *elections*. It is argued that elections make democracy elitist, manipulable, unresponsive and epistemically suboptimal, and that they distribute political influence unequally (Abizadeh, 2019; Guerrero, 2014, 2021b; Landemore, 2020). It might seem that by reintroducing elections into the lottocracy we are also reintroducing all these problems. But elections of topics are very different from elections of people in a number of ways. In what follows, I identify five crucial differences between elections of people and elections of topics, and argue why the latter do not suffer from the problems criticised for the former.

First of all, elections of people are criticised for being *elitist*, because mainly members of higher social classes, with better educational and economic

background have *actual* access to political offices.The lottocratic proposal *per se* is highly egalitarian in that it grants *everyone* equal and actual access to political offices, regardless of their personal wealth, their level of education or their personal background. This dimension of equality would not be touched by my proposal. Political offices would still be distributed equally among all members of society and would not be manipulated. Voting on policy topics does not reintroduce elitism and does not restrict access to political office to a few particularly qualified or well-connected individuals.

Secondly, elections of people are considered non-egalitarian because some people have significantly more *influence* on political decisions than others. In election-based democracy, the each voters' *impact* is equal, i.e. each voter can make the same difference *just on his own,* by voting as she thinks because every vote is counted equally. But *influence* in election-based democracy is distributed unequally. Political influence is the influence someone has on final policy decisions, not just by casting a vote, but also through non-institutional factors such as charisma or personal networks.[15] Of course, in a representative system some people –namely legitimately (s)elected political representatives– will have significantly more influence on policy decisions than others. But unequal influence is democratically problematic if it persists for the wrong reasons. Being an elected representative is a valid reason for having more influence than non-elected members of society. But if someone has unequal influence because she is the best friend of the president or the biggest donor to a party, that influence is not democratically legitimate. Election-based democracies, as they are now and as they have evolved in recent years, distribute influence very unequally and for the wrong reasons. Empirical research shows that the preferences and opinions of the wealthy have much more influence on policymaking than the preferences of poorer citizens that "count for virtually nothing in congressional decision-making" (Zakaras, 2010, 456).[16]

It is not elections per se that distribute influence unequally, but the underlying system of party financing, limited access to political office, long terms in office and the frequent transition from political office to powerful managerial positions. Voting on topics does not reintroduce these systematically problematic features of election-based democracy. Party financing and election campaigns for political candidates would no longer exist, and people would only be selected for one term. This would make it more difficult to establish long-term cooperation, to promise prosperous jobs after the end

[15]For a detailed elaboration of this distinction see Chapter 4.2 and Dworkin (1987, 9-10).

[16]For empirical data on the unequal influence especially of wealthier voters in the United States see also Bartels (2016, Ch. 9) and Gilens (2005).

of a political career, and other forms of entanglement that are currently prominent. Moreover, elections of topics would be more egalitarian than elections of people, because the mechanisms for getting a topic on the agenda would be much more accessible and inclusive than the mechanisms for writing party manifestos and nominating electable candidates. Putting a topic on the agenda would be less costly than promoting a candidate or standing as a candidate. Moreover, putting a topic on the agenda would require less confidence, rhetorical skill and time than running for office, launching policy initiatives, attending town hall meetings or approaching politicians in other ways. Nevertheless, some form of unequal influence would most likely be reintroduced through participatory agenda setting. As mentioned above, the process would return significant influence over the political agenda to the media. Thus, wealthy people and people with a large reach would have more and unequal influence on the agenda. However, this unequal influence would at least be mitigated by the fact that the final decisions would be taken by diverse and representative people, rather than by systematically influenced or donation-dependent elected politicians.

Thirdly, it is criticised that elections of people are manipulated by money and economic interests. This criticism overlaps with the two points just mentioned. Nevertheless, it is worth considering them separately because they pose a serious challenge to lottocracy, even if the mechanism of voting on topics as I propose is implemented. By diversifying the channels of input, making the agenda-setting process more transparent and participatory, and discouraging the establishment of long-term relationships between politicians and individual interests, the influence of social elites and individuals can be reduced. However, people or interest groups with a certain amount of money at their disposal will still be able to influence public opinion and electoral outcomes more than those without. In particular, four types of influence threaten to reduce the democratic quality of lottocracy by making it vulnerable to non-democratic manipulation: (i) issue advertising campaigns, (ii) overt or covert influence through social media and other individual targeting, (iii) influence on agenda-setting through influence on the scientific committee or the current lottocratic assembly, and (iv) influence on the selection or manipulation of advisory material. In any political system, whether lottocratic or electoral, mechanisms would have to be put in place to control these channels of influence.

Even if some of these channels of influence could be closed, those willing to invest money to change political outcomes are likely to find other ways of trying to exert influence. As Issacharoff and Karlan put it, “money will always find its own level” (1999, 1708). They argue that people donate to politics not out of benevolence, but because they care about political outcomes

and want to steer politics in a way that serves their interests. Therefore, the "money that reform squeezes out of the formal campaign process has to go somewhere" (Issacharoff and Karlan, 1999, 1713). Limiting campaign finance (in election-based democracy), issue-based advertising (in lottocracy), or other forms of financial influence will only lead donors to seek other ways to influence.

Similarly, even if obvious channels of influence can be closed in lottocracy, it is unlikely that all *all* kinds of private, undemocratic influence can be prevented. However, opening up the political process to people from all social and financial backgrounds, making politicians less dependent on the support of wealthy donors, while at the same time allowing the general public to participate fully at different stages of the political process, can indeed reduce the illegitimate or non-transparent influence of private interests. And even if issues illegitimately pushed by a few are put on the political agenda, the actual decisions in lottocracy are taken by a diverse and representative sample. In particular, diversity and deliberation allow decisions to be taken in the interest of society, even if they are taken on issues that are of particular interest to a small group (that manages to put them on the agenda). The same advantage applies to low turnout and abstention. Even if a certain group of people systematically does not turn up to vote, even if issues of interest only to some groups make it onto the agenda, the final decisions will still be taken by a committee that takes into account the interests of *all* members of society.[17]

A fourth criticism of personal or party elections is that they are epistemically inadequate. Two points need to be distinguished here. On the one hand, it is said that political problems are too complex and information intensive for voters to be sufficiently informed to make good voting decisions (Brennan, 2016). This criticism is supported by arguments stressing that it is even *rational* for voters to remain uninformed because the impact of each vote is so small that there is little reason to invest time in forming well-informed opinions on complex political issues (Somin, 1998). On the other hand, Guerrero (2014) argues that it is difficult to monitor and evaluate the behaviour of politicians. It would be very time-consuming to track exactly how different politicians behaved or decided, and the effects of many political decisions are visible only after a considerable time lag. Moreover, it is almost impossible to evaluate the behaviour of politicians if the policies they support are not enacted. Elections are therefore unsuitable for establishing *meaningful accountability* between the elected and the represented.

[17]At least if everyone who is elected actually takes office in the lottocratic assembly. See Chapter 5 on this point.

These two epistemic shortcomings do not result in elections of topics. On the one hand, people would not have to express what they consider the *solution* to a problem, but simply which issues they consider *important*. This requires much less commitment to concrete policy measures or to possible solutions to complex social problems. As I argued above, it is epistemically much less demanding to say that something, say the low pay of nurses, is a problem than to say what would be a fair and feasible salary. On the other hand, topic elections would no longer be aimed at evaluating the performance of individual politicians. Elections would no longer serve as moments for evaluating politicians, but rather as moments for transferring a mandate, a request for action, to the selected legislative assembly. Voters would no longer have to follow how politicians behave and take decisions, and assess whether these decisions are really in their interests. Elections would not be a moment of evaluation but a forward transfer of tasks. Indeed, this mechanism would even *increase* accountability in lottocracy. In Chapter 6 I discussed at length the forms of accountability that can and cannot be satisfied by lottocracy. In addition to the interpretations discussed above, topic elections introduce an additional threshold for *procedural* accountability. I have argued against the introduction of retrospective sanctions in lottocracy because they violate freedom of expression and opinion. But collectively agreed agendas would provide thresholds for assessing whether certain topics have been addressed at all. If a lottocratic assembly failed to address some of the collectively decided issues, a certain flexible amount of salary could be withheld. Indeed, the election of topics and the participatory design of the political agenda would allow for a form of *procedural* accountability to the lottocracy that does not otherwise exist.

Elections of politicians are, moreover, criticised for producing epistemically sub-optimal results. On the one hand, as mentioned above, because voters are simply too uninformed and decisions too complex to be rationally decided and evaluated by average citizens. On the other hand, because politicians tend to address issues that are favourable to voters and likely to increase their chances of re-election. As explained above, this shortcoming of elections is to be avoided in lottocracy by giving agenda-setting power to both a scientific committee and the preceding lottocratic assembly. Therefore, these two points will not be discussed further here. But a third epistemic shortcoming of elections deserves brief attention. Elections are criticised for being too coarse-grained and of little value if they offer a choice between too few options. This criticism has several dimensions. On the one hand, voting for a candidate means voting for his or her programme without further specification. But it is often the case that voters support the programmes of different candidates on different policy issues. Someone may be in favour of a liberal immigration

policy, strict environmental protection and low tax rates at the same time – policies that are not typically supported by a single party. Moreover, by linking political programmes and political candidates as closely as is currently the case, voters may be forced to choose between two contradictory options. They might want to vote for a gay person, but for the platform of a party with a homophobic candidate; or they might want to vote for the platform of a minority party, but not want to waste their vote on a party with no realistic chance of winning a seat. Finally, elections in two-party systems can be criticised for being of very little value. My vote for the Democratic Party does not necessarily mean that I endorse its platform or its candidate. Instead, it could well be that I just want to stop the opposing Republican Party. So even though I have a vote in the election, I might not be able to express which policies I want to see implemented.

Elections of topics could avoid most of these problems. People would not be forced to commit themselves to a party programme. Instead, they would be able to express in a more differentiated way which issues they consider important. Moreover, personal feelings for or against particular candidates would not play a role. Of course, it could still happen that a homophobic person is randomly selected to the legislative assembly, but no individual voter would face the dilemma of choosing between the *values* and *topics* they want to see represented. Certainly, elections of topics would be finer-grained and more informative than elections in two-party systems. And because the decision-makers would be randomly selected and descriptively representative of society, the decisions on these issues would be made by people who reflect the diverse values of society, a feature often not satisfied by elected politicians.

Finally, let me briefly address Guerrero's specific critique of elections. In addition to the above criticisms of elections, he focuses on the inability of elections of politicians to produce *responsive* and *good* policy outcomes. Would the same be true of elections of topics? I have shown that it would not. Indeed, without issue elections for the policy agenda, lottocracy itself could at best be partially responsive. Based on the representative promise of lottocracy, every single political decision should be responsive to citizens' interests. But if citizens have no influence on the agenda, then not all the issues they care about would be addressed. The decisions that are taken would be responsive and good. But Guerrero does not explain how to ensure that decisions are taken on the most important issues. Elections of politicians are not ideal for making responsive and good decisions. Nevertheless, in a system that abolishes the election of politicians, an alternative mechanism is needed to ensure that the political agenda responds to the real needs and concerns of citizens. Better informed representatives of themselves –indicative representatives– can decide what is a good solution in the light of given

circumstances, but they cannot decide what is important to other people.

I have argued in earlier chapters that lottocracy is egalitarian because it expresses that everyone is politically equal, gives everyone equal access to offices, and considers all perspectives in actual policy making. Moreover, lottocracy is desirably representative because it elects representatives who are like the represented, who share their perspectives, and who will act on their behalf simply by acting on their own behalf. Lottocracy is also epistemically valuable because it builds on the deliberation of diverse citizens. But as it is currently proposed, lottocracy has a participation deficit: without mechanisms for equal, formal participation, those who are not selected have no control over policy-making at all. Current proposals by Guerrero and Landemore fail to show how agenda-setting in lottocracy should be protected from manipulation and oligarchic or technocratic control. To overcome this deficit, I have proposed an inclusive, egalitarian and participatory agenda-setting process. Designing such a participatory agenda-setting system is difficult and requires much more work. The number of choices and agenda items to be selected makes a meaningful electoral mechanism difficult, and participatory agenda-setting reintroduces problems of manipulation and unequal influence. Lottocrats criticise the election of politicians as elitist, inegalitarian, manipulated, unresponsive and epistemically inadequate. Since elections of topics do not suffer from the same shortcomings as elections of people, it is worth developing a process that puts agenda-setting in the hands of citizens and avoids the problems discussed above. Despite the technical challenges, such a mechanism is needed. Without equal participation and control over the political agenda, lottocracy cannot be considered democratic.

Chapter 8

Conclusion: Is Lottocracy Democracy?

Lottocracy is a truly democratic project: To place the power to govern in the hands of citizens, to regard everyone as equally entitled to political participation, and to distribute political power among all citizens in frequent rotation rather than concentrating it in the hands of a small, powerful elite. A central aim of lottocracy is to create policies that are responsive to the interests of all citizens, rather than systematically prioritising the interests of a particular elite. In its current form, however, lottocracy does not meet essential democratic requirements and cannot be considered a satisfactory implementation of democracy.

Democracy is government of the people, by the people and for the people. The realisation of this ideal requires that all citizens enjoy political equality, that political representatives are elected through a legitimate process and represent the interests of all citizens, and that citizens have control over their government, i.e. that they can hold their representatives to account and participate effectively in political decision-making. Lottocracy, as currently proposed, can only meet some of these requirements.

Lottocracy clearly grants political equality to all citizens because it gives everyone the same opportunity to hold political office. It thus expresses the moral equality of all citizens, and that everyone, regardless of personal qualifications or other background conditions, is equally deserving of participation in actual political decision-making. However, lottocracy does not satisfy two additional requirements of political equality. Political equality is desirable not only from a moral point of view, but also because it increases the acceptability of political decisions and because it increases their epistemic quality. Both of these advantages are only partially exploited by the current lottocratic proposal. Decisions in election-based democracy are seen as acceptable to

all citizens, even those who were outvoted, because they were taken in a fair process where everyone's vote was equally weighted and had the same impact on the final outcome. This advantage is lost in lottocracy. Everyone has an equal chance of being chosen. But those who are not selected have no real influence on decisions. They no longer have reasons to accept decisions they oppose out of fairness to their fellow citizens. Moreover, political equality is generally considered valuable because decisions made by large and diverse groups are epistemically more valuable. Mass participation in election-based democracy is supposed to produce wise decisions. In lottocracy, only those who are selected participate in decision-making. The lottocratic assembly, with only 300 members per single-issue legislature, clearly loses in size and diversity compared to the general public. However, this disadvantage is partly compensated for by the fact that the assembly itself would be much more diverse than most elected parliaments.

With regard to representation in democracy, two questions need to be considered. On the one hand, whether those who are declared to be representatives are in fact legitimately representing. On the other hand, whether these representatives are able to bring about policies that advance the *interests* of all citizens equally. Lottocracy selects representatives on the basis of descriptive similarity rather than on the basis of particular competences and motivations. This is legitimate because the relationship between representatives and represented is different from that in election-based democracies. In lottocracy, representatives are not delegated to act in a particular way. Rather, they are selected to form informed opinions on political issues and to indicate to their fellow citizens which decisions they should support. If the assembly is descriptively representative of society as a whole, the perspectives of all citizens are assumed to be present in the process of deliberation, and anyone who is not selected has reason to believe that they would have reached the same conclusion if they had participated. To support this goal, the process of expert input and deliberation must be transparently documented. However, this representative promise of lottocracy can only be kept if everyone who is selected in the lottery actually participates. All those who refuse to participate undermine the chances of people like them to be heard and considered in the decision-making process. Moreover, the possibility of refusing to participate allows those who organise the selection to have more influence and to potentially manipulate the constitution of the assembly. Lottocratic representation will only be legitimate if participation is complete and includes *all* perspectives. Otherwise, the self-selection of participants and the choice of stratification criteria will alter the actual decisions in such a way that they are not indicatively representative of *all* citizens, but mainly of those who are willing to participate.

Lottocracy is often criticised because the represented in lottocracy lack mechanisms to hold their representatives accountable. Without elections, they have no effective way of influencing how they are represented, or of sanctioning representatives for certain misbehaviour. However, I have argued that lottocracy should not include mechanisms for the represented to sanction their representatives. This would reintroduce the problem of uninformed decision making, and it would lead members of the assembly to decide according to what uniformed citizens would approve, rather than according to what they themselves have come to support after the process of expert consultation and deliberation in which they have participated. Lottocracy *with* sanctions would no longer produce indicative but rather preference-responsive representation. Sanctions for obvious misbehaviour, such as disrespectful speech or non-participation, could of course remain in place. The absence of substantive control and sanctions does not generally impede accountability between the represented and the representatives. In addition to providing mechanisms for retrospective sanctions, accountability has at least two other aspects. Accountability mechanisms are generally considered necessary in political systems in order to ensure that representatives actually promote the interests of those they represent. This can be ensured by the threat of potential sanctions or by carefully choosing the right representatives. Lottocracy takes the second route. It chooses representatives who are like the represented and will therefore act on their behalf because they would otherwise act against their personal interests. The fact that the representatives are not systematically different from those they are supposed to represent makes them act representatively simply by advancing their own interests. This descriptive representation in lottocracy introduces a third aspect of accountability into lottocracy: namely, the literal meaning of *giving an account* of one's behaviour and decisions. Representatives and represented in lottocracy share the same perspectives, the same concerns, and they speak the same language. The reasons for certain decisions and the way they are communicated will simply be more understandable to the represented and they will feel less alienated from politicians. However, giving an account of one's actions and possibly apologising for certain misbehaviour or unfortunate decisions *without* any empowered recipients of these apologies or explanations makes giving an account no more consequential than confessing. Lottocrats must therefore propose an additional mechanism for evaluating and accepting the explanations given by members of the lottocratic assembly. Nevertheless, there are good reasons to believe that less control is needed in lottocracy and why sanctioning mechanisms should not be implemented.

While lottocracy scores relatively well in terms of political equality, representation and accountability, or at least it seems possible to respond to the

identified shortcomings through some institutional changes to the proposed system, it has a serious deficit in terms of effective participation. Anyone not elected to the lottocratic assembly is left without any formal, binding influence on those elected and the decisions they make. Especially with regard to the important democratic mechanism of *agenda setting*, lottocracts have not yet provided convincing answers. Democracy requires not only that voters can express their views on issues presented to them by *someone*, but also that voters themselves can put issues on the agenda that they consider important. Leaving this function to the randomly selected themselves, as Guerrero suggests, only exacerbates the degree to which the non-selected are disenfranchised. Therefore, lottocracy requires mechanisms to ensure that *all* citizens can influence the political system. However, given the epistemic demandingness of most political issues, these should not be mechanisms for influencing policy outcomes. But lottocracy needs mechanisms through which all citizens can influence the political agenda. Only if they can influence which issues are addressed by legitimately selected lottocratic representatives can lottocracy be considered a system of genuine self-government. Designing such a participatory agenda-setting mechanism is no easy task. However, if lottocracy is to pass as a form of democracy, this effort must be made. Without mechanisms for effective, equal and accessible participation, lottocracy cannot be considered democratic.

Let me conclude with a few remarks on lottocracy that go beyond the scope of the preceding analysis. First, lottocracy may offer a solution to a problem that undermines most contemporary political systems: politicians are no longer seen as advocates for their constituents, as people who spend a lot of time and energy trying to achieve the best possible results. Instead, politicians are perceived as enemies who seek to deceive their constituents. Interviews with evasive and defensive answers, discussions on talk shows and defamatory statements on social media all support this impression: there seems to be a constant battle between politicians, journalists and citizens, rather than a collective spirit of doing politics together and changing society for the better. Any democratic society should be based on a strong desire to reach conclusions that are collectively acceptable and beneficial. If lottocracy can revive this democratic spirit, much will be gained.

Closely related to this point is the important communicative promise of lottocracy: an important side effect of the participation of randomly selected citizens in policy making is the increased communication within society. Those citizens who participate are put in a position to justify their own views, listen to the views of others, and work together to find an acceptable solution. At a recent mini-public in Erfurt, Germany, several participants summed up at the end of the day: “I thought our society was very divided, but after

this day I feel that we are not so divided, but that we have a lot of interests and concerns in common."[1] As citizens increasingly communicate with like-minded peers, and as many media outlets report on politics and policy decisions in a polarising black-and-white manner, every democratic society needs mechanisms to turn *consumers* of political services into democratic, *participating citizens*. Mini-publics seem to be a promising tool to awaken the democratic spirit of influence and political relevance in citizens. Politics cannot be made for citizens without citizens. Citizens need to feel that they are a contributing, shaping part of a democratic system. But they must also take responsibility for contributing to the democratic system from which they benefit.

Giving the power to govern back to all citizens would actually mean taking it away from those who are better educated, more ambitious and wealthier than the average citizen. The vast majority of people who argue for and against lottocracy probably belong to this social group. For them, it would mean seriously considering many more perspectives in policy making than their own. Lottocracy does indeed see a 75-year-old retired teacher, a 23-year-old immigrant and a 43-year-old hairdresser as capable of and deserving of decisive political power. And it also sees xenophobes, nationalists and conservatives as members of society with equal rights to participate and to be considered and reflected in political decisions. The motivation for lottocracy cannot be to bring about a particular kind of political decision. The motivation for lottocracy must be to produce decisions that reflect the attitudes of all citizens and are therefore acceptable to all citizens. Any democratic system must regard all members and their views as equally valid and valuable. A system in which some views are considered more important and more correct is not democratic. The aim of democracy is to include all citizens, regardless of their opinions. Democracy is not technocracy, the rule of the open-minded or the better educated. The ideal of self-government implies that everyone's views are given equal consideration. Lottocracy aims to enable all people to understand the complexities of policy-making and to transform their uninformed preferences into enlightened, informed ones. So lottocracy is clearly based on educational and communicative ambitions. But lottocracy must not intend to 'greenwash' the recommendations of experts or scientists by passing them through the deliberation and approval of ordinary citizens. The lottocratic ideal implies that the opinions and views of all citizens can actually shape society. And it requires, in particular, that the better educated and more ambitious few regard their fellow citizens from

[1] Personal communication with participants of 'Hallo Bundestag', Erfurt, 6.5.2023. For more information see Baruck (2023).

other social groups as equally capable and deserving of political participation. If people are hesitant and pessimistic about this claim, this requires better political education and more awareness of civic responsibility. But it cannot justify excluding a large part of society from meaningful participation.

The foregoing analysis has highlighted many genuinely democratic elements of the proposal and has pointed to several promising aspects of lottocracy. However, it has also identified several shortcomings that require further elaboration. Although the thesis explicitly focuses on a theoretical assessment of the ideal of lottocracy, the true benefits of lottocracy can only be known once the system begins to be implemented, at least in limited policy areas. Of course, any transition to empowering randomly selected citizens will have to be piecemeal. To begin with, one or a few policy areas could be devolved to a lottery-selected assembly. And if this happens, a constitutional exit strategy should be put in place. The people should be able to return power to an elected parliament at any time. Changing a political system, even something as big as changing how we elect our representatives, can be designed to be temporary or easy to reverse. It is possible, for example, to design the constitution to allow an easy return to elections, as is the case in the hereditary monarchy of Liechtenstein. The Duchy of Liechtenstein enjoys considerable power, but the constitution provides that the monarch can be replaced at any time by a representative government through a popular referendum.[2] Such a 'rescue condition' could and should also be included in the transition to a lottocratic government. Citizens should be able to easily initiate a referendum at any time to demand a return to an elected government. After such a return, further lottocratic experiments could be suspended for some time to avoid unnecessary and costly back-and-forth between different forms of government. However, a piecemeal transition can provide a general idea of whether a transition to lottocratic government might be desirable. And with constitutional exit mechanisms, it does not threaten democracy.

The focus of this thesis has been on the analysis of lottocracy as an alternative to election-based democracies. But perhaps a particularly promising use of lottocracy is not in comparatively well-functioning liberal democracies, but in autocracies and oligarchies where the power structures are so entrenched that even after a revolution only people from a limited class get into office at all, or where there are no democratic structures and mentalities in place to allow for possible democratic successors. Perhaps bringing randomly selected people into power can be particularly promising in circumstances where polit-

[2] In 2012, such a referendum was initiated by a pro-democracy movement. Interestingly, with a turnout of about 83%, the proposal to limit the 'undemocratic' powers of the prince was rejected by 76% to 24% (Vanberg, 2020, 664).

ical systems are so permeated by established, impenetrable power structures that even newly elected leaders are in many ways controlled or blocked by these established powers. Perhaps lottocracy can be a particularly promising alternative to electoral autocracies, that, despite frequent elections, are in fact oligarchic.

Many aspects of the design of lottocracies require further attention. More needs to be said about the underlying bureaucratic structure and how this can be prevented from being captured, about the selection of experts and the role of facilitators in the deliberative process, and about mechanisms through which all citizens can enjoy effective participation. I hope that the foregoing analysis provides reasons to explore these issues further. Lottocracy is not yet democracy. But it has many democratic features. And it is clearly democratic in spirit.

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Anhang

1.1 Kurzfassung der Ergebnisse (Deutsch)

In meiner Dissertation "Lottocracy as Democracy - Political Equality, Representation and Public Control without Elections?" analysiere ich, ob eine Lottokratie, wie sie von Guerrero (2014) vorgeschlagen wurde, als eine Form der Demokratie angesehen werden könnte oder ob wir durch ihre Einführung ein *undemokratisches* System etablieren würden. Zu diesem Zweck diskutiere ich den Vorschlag der Lottokratie im Hinblick auf vier notwendige Elemente einer Demokratie: Politische Gleichheit, politische Repräsentation, politische Rechenschaft und effektive Beteiligung.

In Kapitel 2 stelle ich zunächst den Vorschlag der Lottokratie und die häufigsten Gründe dafür vor. In einer Lottokratie würden die politischen Vertreter nicht mehr in Wahlen gewählt werden. Stattdessen würde das Parlament durch mehrere themenbezogene Gremien ersetzt, die per Lotterie ausgewählt würden. Jedes dieser mit zufällig ausgelosten Bürger:innen besetzen Gremien würde sich auf ein breites politisches Thema konzentrieren, z. B. Außenpolitik, Gesundheitspolitik oder Umweltpolitik. Der wesentliche Unterschied zwischen Wahldemokratie und Lottokratie besteht darin, dass die Mitglieder dieser thematisch festgelegten Parlamente nicht gewählt, sondern nach dem Zufallsprinzip per Lotterie ausgewählt würden. Diese zufällige Zuteilung von öffentlichen Ämtern wird als "Sortition" bezeichnet. In Kapitel 2 stelle ich zunächst die Hauptargumente für eine solche Auslosung politischer Ämter gegenüber Wahlen vor. In erster Linie wird hier betont, dass Losen das Ideal der politischen Gleichheit besser verwirklicht, dass so politische Entscheidungen hergebracht werden, die besser die Bedürfnisse und Interessen der Bürger:innen widerspiegel, und dass durch Losen die systematische Manipulation von und Einflussnahme auf gewählte Politiker:innen verringert werden kann.

In Kapitel 3 definiere ich Demokratie als ein System der Selbst-Regierung eines Volkes, welche auch unabhängig von Wahlen erreicht werden könnte. Anschließend führe vier notwendige Kriterien für Demokratie ein, die gegeben

sein müssen, damit ein Volk als selbstregiert gelten kann. In den folgenden Kapiteln analysiere ich den Vorschlag der Lottokratie anhand dieser Kriterien von politischer Gleichheit, politischer Repräsentation, politischer Rechenschaftspflicht und effektiver Beteiligung.

In Kapitel 4 argumentiere ich, dass die politische Gleichheit aller Bürger:innen eines Staates aus mindestens einem von drei Gründen als notwendiges Element von Demokratie gilt. (1) Weil der gleiche moralische Wert aller Menschen erfordert, dass alle das gleiche Recht haben, sich an der Art und Weise, wie sie regiert werden, zu beteiligen, (2) weil Entscheidungen, bei denen alle ein gleiches Mitspracherecht hatten, qua dieser fairen Prozedur auch für all diejenigen akzeptabel sind, die durch eine Entscheidung überstimmt wurden, und (3) weil die gleiche Beteiligung aller Betroffenen die epistemische Qualität politischer Entscheidungen erhöht. Ich zeige, dass Lottokratie bei der ersten, der moralischen Dimension der politischen Gleichheit, sehr gut abschneidet. Sie hält jede und jeden gleichermaßen für fähig und würdig, ein politisches Amt zu bekleiden, drückt diese Überzeugung sichtbar aus und sie gewährt allen Bürger:innen gleichermaßen Zugang zu politischen Ämtern. Aber Lottokratie ist problematisch im Bezug auf die Aspekten der *Akzeptierbarkeit* und der *epistemischen Überlegenheit*, die sich aus der Erfüllung von politischer Gleichheit ergeben.

Unter der Annahme, dass alle Bürger:innen den gleichen Anspruch auf einen Sitz in der lottokratischen Versammlung haben, ist die Lotterie ein faires Verteilungsverfahren für die Zuweisung einer begrenzten Anzahl von Sitzen an eine Gruppe, die die Zahl der verfügbaren Sitze übersteigt. Das Losverfahren ist also akzeptabel, wenn man davon ausgeht, dass alle gleichermaßen berechtigt und fähig sind, ein Amt zu bekleiden. Die Akzeptanz politischer Entscheidungen hängt jedoch nicht nur der Fainess des Verfahrens ab, in dem sie getroffen werden, sondern auch vom Inhalt dieser Entscheidungen, also davon, inwieweit diese Entscheidungen den Bedürfnisse und Interessen der Bürger:innen entsprechen. Ich zeige, dass ein lottokratisches System den Vorteil hat, kognitiv sehr unterschiedliche Menschen in den Entscheidungsprozess einzubeziehen. Dadurch könnte es auf die Interessen und Bedürfnisse der Bevölkerung besser reagieren, wäre also "responsiver". Ich zeige, dass ein großer Vorteil der Lottokratie die Herausbildung *informierter* Interessen wäre, da die Prozesse darauf abzielen, dass sich die Ausgelosten unter Berücksichtigung wissenschaftlicher Erkenntnisse und der Interessen ihrer Mitbürger:innen *informierte* Meinung zu den diskutierten Thema bilden. In dieser Hinsicht ist Lottokratie Wahldemokratien überlegen, da sie die Entscheidenden verhätnismäßig unabhängig von medialen Einflüssen und Filterblasen macht und gleichzeitig die Bedürfnisse der Bevölkerung nicht bloß repräsentiert, sondern *abbildet.* Ich zeige jedoch, dass im derzeitigen

Vorschlag der Lottokratie Mechanismen fehlen, die es all denjenigen, die *nicht* ausgelost wurden, erlauben, zumindest ihre uninformierten Präferenzen zu artikulieren. Im Hinblick auf die drei Vorteile die sich aus politischer Gleichheit ergeben –den Ausdruck moralischer Gleichheit, die Akzeptabilität von Entscheidungen und deren epistemische Qualität– kann Lottokratie nur ersteren wirklich erfüllen.

In Kapitel 5 erörtere ich welche Form von politischer Repräsentation dem Vorschlag der Lottokratie unterliegt. In Wahldemokratien basiert politische Repräsentation auf der *Delegation* von Abgeordneten, die aufgrund ihrer Fähigkeiten oder Vertrauenswürdigkeit ausgewählt werden. In Lottokratie hingegen erfolgt die Auswahl von Repräsentant:innen auf Grund der *Ähnlichkeit* zwischen Repräsentierten und Repräsentant:innen. Menschen, die denjenigen die sie vertreten sollen hinreichend ähnlich sind, sollen deren Interessen ohne weitere Anweisungen und Kontrolle vertreten können, da ihre eigenen Interessen mit denen der Vertretenen übereinstimmen. Dieses Konzept wurde von Mansbridge (2003) als 'kreiselartige (gyroscopic) Repräsentation' bezeichnet, bei der die Repräsentant:innen von innen heraus, ohne weitere Einflussnahme von außen, die richtigen Ziele verfolgen. Zur Verwirklichung dieses Konzepts der Repräsentation müsste die Beteiligung an der Lottokratie so breit und divers wie möglich sein. Vor dem Hintergrund dieser Theorie diskutiere ich die derzeitig übliche Praxis der geschichteten Zufallsauswahl und arbeite einige Schwachpunkte im Hinblick auf ein demokratisch legitimes Auswahlinstrument heraus. Sie lässt sich relativ leicht manipulieren, konzentriert sich ausschließlich auf sichtbare, aber möglicherweise nicht die wichtigsten Auswahlkriterien und kann zudem nicht gewährleisten, dass auch die Meinungen von Menschen vertreten werden, die der Politik misstrauen oder sich selbst nicht für fähig oder würdig halten politisch mitzuwirken. Für ein demokratisches System ist es jedoch vor dem Hintergrund politischer Gleichheit unerlässlich, auch die Interessen solcher uninteressierter Menschen zu berücksichtigen. Ich zeige, dass ein lottokratisches System, in dem nicht alle Menschen teilnehmen, wenn sie ausgelost werden, nicht die Interessen *aller* Bürger:innen vertreten kann und somit im Hinblick auf Repräsentation keine legitime Alternative zu Wahlen darstellt.

Um als eine *demokratische* Form der Repräsentation zu gelten, müsste jede und jeder, die oder der gewählt wird, diese Auswahl annehmen und einen Sitz im lottokratischen Parlament übernehmen. In diesem Zusammenhang diskutiere ich drei mögliche Gründe, die zur Rechtfertigung einer Verpflichtung zur Amtsübernahme angeführt werden könnten. Keiner von ihnen reicht aus, um eine *rechtsverbindliche* Verpflichtung zur Amtsübernahme zu begründen. Um jedoch lottokratische Repräsentation als demokratisch zu verteidigen, müssen die Befürworter der Lottokratie zeigen, wie Lotterien Stichproben

erzeugen können, die wirklich repräsentativ für alle Bürger sind. Dazu müsste die Teilnahme vermutlich verpflichtend sein.

In Kapitel 6 diskutiere ich das oftmals kritisierte Rechenschaftsdefizit der Lottokratie. Kritiker von Lottokratie betonen, dass demokratische Repräsentation voraussetzt, dass diejenigen, die repräsentiert werden, ihre Repräsentanten zur Rechenschaft ziehen können. Nur dann, so die Annahme, werden sie im Interesse derer entscheiden, die sie vertreten. Ohne Wahlen und die damit einhergehende Möglichkeit nicht wiedergewählt zu werden, fehlt es der Lottokratie an solchen Rechenschaftsmechanismen. Ich zeige, dass Lottokratie keine solchen rückwirkenden Rechenschaftsmechanismen haben sollte, da die epistemischen Versprechen der Lottokratie aus der besonderen Tatsache entstehen, dass die Gewählten nicht entsprechend der öffentlichen Meinung entscheiden. Entgegen verbreiteter Einwände zeige ich, dass einer der größten Vorteile der Lottokratie darin besteht, dass die Ausgelosten ohne Kontrolle von außen auf der Grundlage der besten verfügbaren Informationen und ihrer persönlichen Bedürfnisse und Kenntnisse entscheiden können. Dieser Vorteil würde durch Mechanismen nachträglicher Kontrolle und Sanktionierung verloren gehen. Ich zeige jedoch, dass die Lottokratie einen zweiten Aspekt der Rechenschaftspflicht, der oft weniger besprochen wird, besser erfüllt. Wahlen dienen nicht nur der nachträglichen Sanktionierung von Abgeordneten (bzw. der Androhung solcher Sanktionen), sondern sie dienen auch der *Auswahl* möglichst geeigneter Vertreter:innen. Lottokratie legt andere Auswahlkriterien zu Grunde als Wahldemokratie, nämlich in erster Linie die *Ähnlichkeit* zwischen Repräsentant:innen und Repräsentierten. Lottokratie erfüllt somit den Bedarf nach *prospektiver* Kontrolle durch die Auswahl geeigneter Repräsentant:innen und gleichzeitig macht dieser Auswahlmechanismus *retrospektive* Kontrolle weniger wichtig.

Abschließend argumentiere ich, dass Lottokratie insbesondere im Hinblick auf einen dritten Aspekt von 'Rechenschaftspflicht (accountability)' besonders vielversprechend ist: nämlich im Sinne der wörtlichen Bedeutung von 'Rechenschaft ablegen (giving account).' Lottokratie ist hier aus zwei Gründen überlegen. Einerseits, weil die Ausgelosten denjenigen, die sie repräsentieren sollen, sehr ähnlich sind, d.h. sie teilen deren Anliegen, ihre Denkweise und ihre Art zu sprechen. Andererseits können sie wesentlich ehrlicher Rechenschaft über ihre Entscheidungen ablegen als gewählte Abgeordnete, da sie keine Anreize haben für ihre Wiederwahl mögliches Fehlverhalten zu vertuschen. Anders als von Kritiker:innen der Lottokratie oft behauptet, ist die Lottokratie im Hinblick auf Rechenschaftspflicht in dieser Hinsicht Wahldemokratien sogar überlegen. Das Rechenschaftsdefizit der Lottokratie ist nicht so verheerend wie Kritiker:innen es oft darstellen, da Lottokratie zwar keine *retrospektive* Kontrolle gewährleistet, diese aber durch die *prospektive* Auswahl der richti-

gen Kandidat:innen weniger wichtig ist und da Lottokratie im Hinblick auf Rechenschaftsplicht als die *Begründung* bestimmter Entscheidungen besser abschneidet als Wahldemokratien.

In Kapitel 7 schließlich konsolidiere ich die zuvor herausgearbeiteten Ergebnisse und zeige, dass die Lottokratie in ihrer derzeitigen Form (Guerrero, 2014) als mögliches demokratisches System ein Partizipationsdefizit aufweist. Obwohl Lottokratie sinnvolle Interpretationen von politischer Gleichheit, demokratischer Repräsentation und politischer Rechenschaftspflicht erfüllt, scheitert sie daran, die wesentliche demokratische Anforderung der gleichen und effektiven Beteiligung aller Bürger:innen zu gewährleisten. Die Lottokratie gewährt anfangs allen die gleiche *Chance* auf Teilhabe, lässt aber diejenigen, die nicht ausgewählt werden, letzendlich ohne formale Möglichkeiten der Beteiligung. Dies ist besonders problematisch angesichts der großen zahlenmäßigen Diskrepanz zwischen denen, die ausgewählt werden, und denen, die vertreten werden sollen.

Um das aufgezeigte Partizipationsdefizit zu überwinden, diskutiere ich eine mögliche institutionelle Änderung und zeige, dass Lottokratie allen Menschen wirksamen und gleichen Einfluss auf die politische Agenda gewähren muss, wenn sie als System *demokratischer Selbstherrschaft* angesehen werden soll. Abschließend diskutiere ich deshalb ein mögliches Wahlsystem, das jede:r Bürger:in tatsächlichen Einfluss auf die politische Agenda geben könnte. Unter Verwendung von Sozialwahltheorien zeige ich, dass ein solches Wahlsystem kaum sinnvoll umgesetzt werden kann. Ohne ein solches partizipatorisches System kann die Lottokratie jedoch nicht als demokratisches System gelten. Ihre Kernidee ist demokratisch, weil sie darauf abzielt, die Regierungsgewalt gleichermaßen in die Hände der gesamten Bevölkerung zu legen. Im Hinblick auf die grundlegenden demokratischen Anforderungen von politischer Gleichheit, Repräsentation und Partizipation ist der Vorschlag der Lottokratie in seiner derzeitigen Form jedoch undemokratisch. Zu vielen Bürger:innen wird jeglicher Einfluss auf die Politikgestaltung vorenthalten, einige soziale Gruppen werden grundsätzliche unzulängich repräsentiert und diejenigen, die nicht ausgelost werden, bleiben ohne jegliche Kontrolle darüber, wie sie regiert werden. Damit die Lottokratie als demokratische Alternative zu einer Wahldemokratie angesehen werden kann, sind zusätzliche Mechanismen der Beteiligung und öffentlichen Kontrolle erforderlich.

1.2 Kurzfassung der Ergebnisse (Englisch)

In my dissertation entitled "Lottocracy as Democracy - Political Equality, Representation and Public Control without Elections?" I analyse whether *lottocracy*, as proposed by Guerrero (2014), can be considered a form of democracy or whether by implementing it as a form of government we would *abolish* democracy. To this end, I discuss lottocracy in terms of four necessary elements of democracy: Political equality, political representation, political accountability and effective participation.

In Chapter 2, I begin by introducing the proposal of lottocracy and the most popular reasons for it. In lottocracy, political representatives would no longer be *elected.* Instead, parliament would be replaced by several single-issue legislatures selected by lottery. Each of these legislatures would focus on a broad policy issue, such as foreign policy, health policy, or environmental policy. The random allocation of public offices is known as *sortition.* I present the main arguments for sortition over elections, including that it better realises the ideal of political equality, that it produces policies that are responsive to citizens' needs and interests, and that it reduces the manipulation and capture of elected politicians.

In Chapter 3, I define democracy as a mechanism of self-government which does not necessarily require elections. I then introduce four necessary criteria of democracy that must be in place for a people to be considered self-governing. In the following chapters I analyse lottocracy according to these criteria of political equality, political representation, political accountability and effective participation.

In Chapter 4, I argue that the political equality of all citizens of a state is seen as a necessary element of democracy for at least one of three reasons. (1) Because the equal moral worth of all human beings requires that all have equal rights to participate in how they are governed, (2) because decisions in which all have had an equal say will be acceptable to all those who have been outvoted by a decision, and (3) because the equal participation of all increases the epistemic quality of political decisions. I show that lottocracy scores very well on the first, the *expressive* dimension of political equality. It regards everyone as capable and worthy of holding political office, and it distributes access to political office equally. But lottocracy has some problems with the *acceptability* and *epistemic* dimensions of political equality. Assuming that all citizens have an equal claim to a seat in the lottocratic assembly, a lottery is a fair distribution process for allocating a limited number of seats to a group that exceeds the number of seats available. Thus, the process of lottery selection is acceptable on the assumption that everyone is equally entitled and capable of holding office. However, the acceptability of political

decisions depends not only on the procedure by which they are made, but also on the content of those decisions. It also depends on the extent to which these decisions are responsive to the needs and interests of citizens. I show that in terms of responsiveness, lottocracy has the advantage of involving cognitively diverse people in the decision-making process. Moreover, it allows a very diverse selection of people to find their *informed* preferences. Thus, lottocracy should produce responsive decisions that are both procedurally and substantively acceptable. But lottocracy lacks mechanisms to allow everyone who is not selected to the assembly to articulate at least their uninformed preferences. I argue that this is problematic for the acceptability and epistemic quality of lottocratic decisions.

In Chapter 5, I discuss the mode of representation that is enacted in lottocracy. Whereas representation in electoral democracy is based on *delegation*, representation in lottocracy is based on *similarity.* The assumption is that people who are sufficiently similar to those they are supposed to represent will represent their interests without further instruction and control, simply because their own interests coincide with those of the represented. I introduce this as the concept of 'gyroscopic representation' (Mansbridge, 2003). I show that to realise this concept of representation, participation in lottocracy would have to be as broad and diverse as possible. I discuss the current practice of stratified sampling and suggest that it has several shortcomings in this regard, because it allows for manipulation, it focuses on selection criteria that are visible but may not be the most important, and it cannot ensure the representation of people who distrust politics or do not consider themselves capable or deserving of political participation. Yet, these people must also be represented in democracy in order to realise political equality. Without the full participation of all those who are selected, lottocracy fails to establish legitimate representation of all citizens. I then argue that in order to fulfill the promise of gyroscopic representation, everyone who is selected would have to take office. I briefly discuss three reasons that might be given to justify an obligation to take office, but none of them is sufficient to justify a *legal* obligation to take office. In order to defend lottocratic representation as democratic, proponents of lottocracy need to show how lotteries can produce samples that are truly representative of all citizens. This presumably requires making participation compulsory.

In Chapter 6, I discuss the alleged accountability deficit of lottocracy. It is assumed that democratic representation requires that the represented can hold their representatives accountable. Only then will they decide in the interests of those they represent. Without elections and the threat of not being re-elected, lottocracy lacks such accountability mechanisms. I argue that lottocracy should not have such retrospective accountability mechanisms.

I show that the epistemic promises of lottocracy arise from the peculiar fact that the elected do not decide according to the opinion of the public, which is often not sufficiently informed or influenced by advertising and the media. I argue that one of the major advantages of lottocracy is that its representatives can decide on the basis of the best available information and their personal needs and knowledge, and that this advantage is lost when mechanisms of retrospective control and sanction are introduced. I show how lottocracy satisfies a second aspect of constituent-agent accountability, namely that of selecting the right agents, by focusing on the similarity of the represented and their representatives. This, in turn, makes retrospective control less important than in constellations where representatives differ significantly from the represented. Finally, I show that lottocracy is particularly promising with respect to the literal meaning of 'accountability' in the sense of *giving account* for certain decisions and behaviour. On the one hand, because the elected are like those they are supposed to represent, i.e. they share their concerns, their way of reasoning and their way of speaking. On the other hand, they can be more accountable for their decisions because they have no incentives to cover up potential wrongdoing in order to protect their re-election. I show that the accountability deficit of lottocracy is not as devastating as critics often imply and argue that under both the accountability as selection and the accountability as explanation interpretations, lottocracy fares well and potentially better than electoral democracy.

Finally, in Chapter 7, I consolidate the previously identified democratic shortcomings of lottocracy and show that lottocracy has a participation deficit. Although lottocracy satisfies reasonable interpretations of political equality, democratic representation and political accountability, it fails to realise the essential democratic requirement of the equal and effective participation of all citizens. Lottocracy gives everyone an equal chance to participate, but leaves those who are not selected without any formal means of participation. This is particularly problematic given the large discrepancy in numbers between those who are selected and those who are supposed to be represented. It is very unlikely that any selected assembly can truly reflect the needs and characteristics of the society, and it is equally unlikely that everyone will serve as a member of the assembly at least once in their lifetime (which is, moreover, an implausible interpretation of equal participation if participation at one point in time is sufficient to satisfy the democratic right of participation). I suggest one possible institutional change to overcome the identified participation deficit. I point out that in order to be considered a meaningful implementation of *democratic self-government*, lottocracy must provide everyone with equal influence on the political agenda. To this end, I propose a potential electoral system that gives every citizen an equal and meaningful influence on the

political agenda, i.e. on which political issues their elected representatives have to deal with. However, I show that it is almost impossible to design a meaningful electoral system in which all citizens can actually influence the political agenda. Yet, without such a participatory system, lottocracy cannot be considered a democratic system. It is democratic in spirit, because it aims to put the power to govern in the hands of the people and of all people equally. But it violates the basic requirements of democracy in terms of political equality, representation and participation, because it deprives too many citizens of any real influence on policy-making, because it misrepresents certain social groups, and because it leaves those who are not selected without any control over how they are governed. For lottocracy to be considered a democratic alternative to an electoral political system, additional mechanisms of participation and public control are required.

1.3 Veröffentlichungen

Eine frühere, von der jetzigen Fassung sehr verschiedene Version von Kapitel 4 wurde im Jahr 2019 in folgender Form veröffentlicht:

Jakobi, Julia (2019). The egalitarian quality of lottocracy. *Quaderns de Filosofia*, VI(2): 43–61.

Eidesstattliche Erklärung

Hiermit erkläre ich, Julia Jakobi, geboren am 16.7.1989 in Greven an Eides statt,

- dass ich die vorliegende Arbeit selbst verfasst habe,
- dass ich alle Hilfsmittel und Hilfen, die ich genutzt habe, angegeben habe und keine anderen als die angegebenen Hilfsmittel genutzt habe,
- dass die Arbeit in keinem früheren Promotionsverfahren angenommen oder als ungenügend beurteilt wurde.

Hamburg, 5.12.2023 _____