

Is Random Selection a Cure for the Ills of Electoral Representation?*

DIMITRI LANDA and RYAN PEVNICK

Politics, New York University

In recent years, sortition-based proposals have drawn significant attention and interest in contemporary democratic theory. While electoral democracies are generating rampant economic inequality and seem to be run by a small cadre of the (often morally corrupt) economic elite, a system that empowers randomly selected ordinary citizens to importantly affect public policy promises to make the political process significantly more egalitarian and generate more defensible public policy. And while critics of sortition have typically focused on issues related to competence, the crises facing “consolidated” electoral democracies, from Trumpism to the Brexit debacle, have made it easier for

*We dedicate this essay to our dear friend and colleague, Bernard Manin, whose work inspired a revival of interest, among a generation of political theorists, in the questions about lottery and election that are central to our inquiry here. We are grateful to him and to Daniel Viehoff for instructive discussion of an earlier version of this article.

Additionally, the journal’s referees provided extensive feedback that led to a number of important improvements.

advocates of random selection to counter the obvious competence-based objections to their proposals, further catapulting such ideas to prominence.¹

Our goal in what follows is to develop considerations that have been largely overlooked in conversation regarding the merits of sortition-based proposals, and that should inform our assessment of the viability of those proposals as corrections and alternatives to electoral mechanisms. At the core of those considerations is the analysis of incentives facing citizens and public officials under different institutional schemes. With these incentive-based considerations in mind, the proposed sortition-based alternatives are quite varied; while some are promising, others, on closer examination, provide remedies that would likely exacerbate, rather than mitigate, the problems they seek to redress. The overall force of our argument is to cast doubt on the promise of using randomly selected citizens to make authoritative pronouncements on public policy; however, systems of electoral accountability can be importantly strengthened by institutionalizations of sortition that improve the quality of information in the policy-making process *without* (formally or informally) giving the decisions of randomly selected bodies authoritative standing.

We begin by articulating what we refer to as *the standard argument* for sortition-based alternatives (Sections I–II). We then challenge that argument by showing that there are no clear reasons for confidence that a system of random selection will be more compatible with norms of political equality or more resistant to capture than electoral alternatives (Sections III–IV). Next, we show that there are important epistemic

¹Landemore 2017, pp. 53–4; Sintomer 2018, p. 353.

advantages associated with well-designed electoral systems that give them an edge over policy-making institutions built around random selection (Section V). Finally, we argue (a) that the weaknesses of the standard argument undermine proposals that seek to use randomly selected bodies as policy-making supplements to elected representatives, but also (b) that understanding those weaknesses helps to identify potentially beneficial uses of random selection that conform to other types of normative arguments, including, most relevantly, information-driven ones (Section VI). The broad upshot of the argument is that while sortition-based institutions have an important informational role to play in strengthening systems of electoral accountability, the crises facing representative democracy are best confronted primarily through careful recalibration of systems of electoral accountability.

I. THE STANDARD CASE

Although the specific institutional forms proposed by advocates of random selection vary considerably,² it is useful, even if something of a simplification, to think of them as varying on two main dimensions. First, groups selected by lot could be permanent features of democracy's institutional landscape or they could be temporary arrangements. The most straightforward example of permanent arrangements includes creating a

²Fung 2003; Goodin and Dryzek 2006.

chamber of the legislature selected by lot to either supplement³ or replace⁴ elected officials. By contrast, deliberative polls are temporary in that they are created to address a particular question and then cease to exist. They are not part of the permanent institutional landscape.⁵ Second, proposals differ with regard to the power given to randomly selected bodies: whereas some proposals give such bodies authoritative policy-making power (for example, a randomly selected chamber of the legislature), others give them merely advisory power (for example, standard iterations of deliberative polling).

Despite the diversity of proposals in the literature, all derive their critical appeal from the normative force of random selection, which animates the standard argument for incorporating randomly selected bodies. Rather than trying to review proposals individually, our approach in what follows is to focus on the standard argument, which will allow us to identify the broader considerations that should underlie assessments of such proposals.

The standard argument hinges on two key normative claims. The first is that sortition-based systems are more consistent with political equality than electoral alternatives. The simple egalitarian appeal of lottery is that such a selection mechanism promises to give all citizens equal chances to hold important political office.

³Abizadeh forthcoming; Barnett and Carty 2008; Gastil and Wright 2018; McCormick 2006; O’Leary 2006; Zakaras 2010.

⁴Burnheim 2006; Guerrero 2014; Landemore 2017.

⁵Fishkin 2011; also Neblo et al. 2010.

By contrast, there are historical, conceptual, and empirical reasons to view election as, at least in certain regards, an aristocratic device. As Manin writes, “elected representatives, it was firmly believed [among the founders of representative systems], *should* rank higher than most of their constituents in wealth, talent, and virtue.”⁶ Two conceptual features of elections stand in the way of their giving citizens equal chances to rule. First, in order to be successful, candidates must be salient in some positively valued manner—for instance, with regard to their past success, their celebrity, their family lineage, their wealth, and so on. Second, since candidates need to make themselves salient, elections favor those with the resources to do so.⁷ Although the mechanisms that candidates use to make themselves salient change over time, they are bound to be expensive—in terms of money, time, effort, or other limited resources (typically correlated with wealth).

The empirical evidence strongly suggests that elections fail to give citizens of different socioeconomic backgrounds equal chances to wield political power. For instance, in the USA, nearly half of members of Congress have a net worth of over one million dollars, over 80 percent are male, over 85 percent are white, and more than half are lawyers or bankers.⁸ While some part of the explanation of this pattern is specific to particular, idiosyncratic features of US elections, it is noteworthy that electoral systems

⁶Manin 1997, p. 94, emphasis added.

⁷Ibid., p. 144.

⁸Guerrero 2014, p. 167.

around the world tend to produce legislatures that are not descriptively similar to the broader population.⁹

By contrast, sortition-based systems promise, by their very construction, representative bodies that come very close to mirroring the broader society. The first part of the standard case for these innovations, then, is that relying on random selection would be more consistent with political equality.¹⁰

The second part of the standard case holds that the failure of electoral systems to satisfy procedural norms of political equality leads to undesirable policy outcomes that could be substantially mitigated by a system that, instead, relied on selection by lot. Because elections are an imperfect tool of accountability, they give representatives considerable leeway to advance their own interests (either purposely or out of unintentional bias). For instance, Alex Zakaras argues that “the most pressing democratic concern is that [elected representatives] will write legislation that favors their own interests and neglects the interests of the less well-off.”¹¹ The idea is that we should expect policy results in an electoral system to be importantly *captured* by the wealthy (directly through the preferences of legislators themselves and/or indirectly because elected legislators become indebted to wealthy supporters). For much the same reason,

⁹Wängnerud 2009.

¹⁰E.g., Abizadeh forthcoming; Engelstad 1989, pp. 27–8; Guererro 2014, p. 169.

¹¹Zakaras 2010, p. 455; similarly, Abizadeh forthcoming; Guerrero 2014; Landemore 2017, pp. 53–4.

deliberation among bodies of elected officials is thought to be unable to bring about the positive consequences associated with ideal deliberation.

By contrast, selection by lottery is often thought to undermine such capture because those selected are not reliant on wealthy supporters for their positions and, because they are descriptively representative, do not have shared interests that diverge from those of the broader population. The thought is that this lack of dependence or shared interests will free them to deliberate and make policy in ways that better reflect the interests of the broader citizenry.¹²

In sum: the standard case for random selection is that a system built around such mechanisms will be (1) more consistent with important norms of political equality and (2) less likely to produce policy outcomes that systematically favor already advantaged groups (partly by improving the deliberative process).

II. ACCOUNTABILITY VERSUS DEFERENCE

Before we turn to criticism of the standard argument's two components, we elaborate a perspective that provides a common thread underlying our analysis. That common thread emerges from a difference in the structure of the relationship between ordinary citizens and public officials in the two types of systems.

The idea behind repeat Lotteries and regular elections is twofold: (1) to enable citizens to judge and, if they deem appropriate, improve on the type of representative in office, and (2) to create (re-election) incentives for office-holders to make choices in the

¹²Farrar et al. 2010; Fishkin 2006; Luskin et al. 2014; Niemeyer 2011, p. 127.

interests of constituents. Both of these mechanisms, selection- and incentive-based, rely on voters making their own, if summary, judgments about incumbents. Voters entrust policy-making authority to representatives between elections, but it is the voters' role, at election time, to effect *accountability* by evaluating what their representatives have done and will do.

By contrast, the collective-governance mechanism underlying lottery-based schemes, in their strong form—as replacements for electoral institutions—involves a kind of *deference* to the collective representing body.¹³ While this implication is not typically emphasized by advocates of lot, John Burnheim puts it clearly:

Let the convention for deciding what is our common will be that we will accept the decision of a group of people who are well informed about the question, well-motivated to find as good a solution as possible and representative of our range of interests simply because they are statistically representative of us as a group.¹⁴

¹³For an important critical account that also emphasizes the deference that lottocratic arrangements rely upon, see Lafont 2015. The worry animating that account is that sortition-based systems fail deliberative democracy's test of legitimacy, since the citizenry lack “a sense of whether the policies to which they are subject are based on reasons that they can reasonably accept”; p. 54. Our analysis, instead, focuses on considerations of equality and capture. The implication is different too: whereas Lafont argues for a participatory alternative, our argument focuses on the benefits of electoral representation.

¹⁴Burnheim 2006, p. 84.

Policy outcomes generated by the randomly chosen representing body may be independently judged as better or worse, but the nature of the underlying institutional procedure makes citizens' separate assessment of those outcomes, at least, formally, superfluous. There is no point at which citizens need to make such judgments, unless they are selected as representatives. Put differently, while citizens may criticize the randomly selected body, or even protest its decisions, they lack formal tools of accountability. In more limited institutional forms—as when sortition-based institutions *complement* electoral institutions or are constrained by constitutional courts—this expectation of deference may be weaker.¹⁵ Nevertheless, those forms retain a core of procedural deference that is not present in electoral regimes.

The comparison of the accountability- and deference-based models in the light of the standard case suggests a key underlying tradeoff. The electoral mechanism leaves bottom-line collective power in citizens' hands, putting a lower bound on the downside of particular departures from socially optimal representation. In contrast, by removing constituents' formal mechanisms of accountability, sortition-based mechanisms largely surrender that power, but ostensibly eliminate perversions of accountability (such as rent-seeking by elected officials or pandering to poorly informed voters). Our analysis in what

¹⁵For instance, in a system in which a legislature selected by lot is constrained by electoral or judicial institutions, citizens may well have an important, non-deferential relationship to the decisions of the lottocratic body. These other institutions may provide a pathway to challenge the sortition-based body. However, this role would emerge precisely as a result of the presence of non-lottocratic elements.

follows is, in effect, an evaluation of this tradeoff. Assessing the case for lottocratic institutions requires an evaluation of these effects of the competing institutional design strategies.

III. POLITICAL EQUALITY, LOT, AND ELECTION

The standard argument opens the door to the possibility that a system that selects policy makers by lot instead of election would be an improvement from the perspective of political equality. We reserve the term *lottocracy* to refer to this limiting case. While the proposal to replace, rather than merely supplement, electoral institutions is an outlier in the sortition-based literature,¹⁶ focusing on it is valuable because it exposes the weaknesses of the standard argument and provides the groundwork for assessing other proposals, which we turn to—in some cases sympathetically—in Section VI below.

This section explores how such a system would fare from the perspective of political equality. Since one can interpret the ideal of political equality in a variety of ways, we adopt the conception that seems most favorable to advocates of lottery-based systems: *equal opportunity for political power*. A critical appeal of lottery-based systems is that they not only give citizens the formal equal opportunity for political power that egalitarian electoral systems do (by embracing one person–one vote and eliminating restrictions on the right to run for office), but that they—more substantively—give citizens equal chances to exercise political power regardless, for instance, of the economic resources that they control.

¹⁶Though see Guerrero (2014) for a particularly clear articulation of it.

However, we will argue that *both* types of systems (even if well designed) will *necessarily* fall short of that ideal in systematic ways and, furthermore, that there is no unproblematic way to rank the two types of systems with regard to their ability to satisfy that ideal. The implication is that the standard argument depends on misplaced confidence about the superiority of lottery-based systems with regard to political equality.

In order to effectively compare systems organized around the two types of selection mechanisms, we aim to hold other features of the design problem fixed.¹⁷ In particular, we explore how systems built around lottery and election can be expected to perform given realistic assumptions about the individuals operating within them: citizens being responsive to incentives, not primitively perfectly motivated to pursue the public good, and not omniscient; and public officials having a strong desire to remain in office, and, at least some of them, willing to use public office for private benefit. Further, we assume that political institutions do not suffer from obviously correctable maladies—it would not be illuminating to show that a well-designed electoral system outperforms a poorly designed lottocratic system. Finally, we assume that resources are, as in existing representative democracies, to a significant extent, unequally distributed. Although there are certainly differences in how egalitarian distributions of wealth are across democratic regimes, eliminating wealth inequalities altogether is a radical change that would make much of the institutional analysis animating political theory beside the point. One implication of the approach laid out in this paragraph is that the comparison that follows is primarily theoretical—it aims to consider the likely incentive pressures facing agents,

¹⁷Similarly, see Malleson 2018.

and so the corresponding expected determinants of their behavior, in well-designed versions of the two regime types.¹⁸

It is instructive to begin by identifying two important ways in which traditional electoral systems will, even if well designed, fail to satisfy the goal of equal opportunity for political power. First, citizens in representative democracies have little incentive to become informed about political issues since their views are highly unlikely to be pivotal. As a result, their preferences are often influenced by the messaging and positions advanced by well-resourced groups with an outsized stake in the relevant issues, rather than by carefully considered judgment and a motivated search for the best evidence. The

¹⁸While it would, of course, be beneficial to bring empirical evidence to bear on this question, doing so is infeasible: (1) there do not exist lottocratic regimes to be studied empirically and (2) while there is some evidence on the effects of institutional choices on agency problems, political rents, and corruption within the set of representative democracies (e.g., Berry and Gersen 2008; Persson and Tabellini 2005), there is little reason to believe that such evidence concerns *optimally designed* representative democracies, nor does it permit us to isolate idiosyncratic design choices from those that would be a feature of any system of electoral representation (for other critiques from the standpoint of plausibility of causal inference, see e.g. Acemoglu 2005). While the historical experience of systems using electoral and lottocratic mechanisms are informative in that they help identify relevant issues and concerns, empirical analysis—given the information now accessible to us—is not in a position to settle the comparative question.

upshot is that the groups that have the resources to sway public opinion have more influence than groups with fewer such resources. This is a significant deviation from equal opportunity for political influence. Although representative democracies will vary with regard to just how big a problem this poses, no representative democracy could avoid it altogether unless it pursued radical resource egalitarianism.

The second way in which traditional representative democracies are bound to fall short of equal opportunity for political influence turns on the independence that representative democracies give to elected officials in the interim between elections. While such independence is a standard feature of representative democracy,¹⁹ elections are imperfect devices for ensuring that it is used to advance the interests of the citizenry. One reason for this is that while representatives are called upon to act on a wide range of issues over a fairly long term in office, voters are given only one vote to hold them accountable. That vote is often too coarse a tool to ensure that elected representatives act in ways that even the majority of their constituents would favor.

Additionally, the quality of information available to citizens and to elected officials about factors relevant to determining which policy is most socially beneficial is frequently fundamentally different. The relative independence of elected officials allows them to use their superior information to sway policy away from social optimums. The bottom line is that elected representatives have considerable leeway to use their special political power to advance their own ends (including enriching themselves or their allies). Since well-resourced organized interests are in a better position than other groups to

¹⁹Manin 1997.

reward representatives for such behavior, the independence of elected officials can be expected to disproportionately benefit such groups, which obviously conflicts with the ideal of equal opportunity for political influence.²⁰

Deviations from equal opportunity for political influence that result from the independence that electoral regimes grant to elected officials and the outsized role that wealthy groups play in determining the distribution of public preferences on important political issues will persist even in electoral regimes that are “well-designed.” That these features of representative democracies generate political inequality will not be controversial to the lottocrat, since such concerns are typically central to their position. We will now argue, however, that—even if we grant that lotteries *themselves* are perfectly fair and so satisfy the standard of equal opportunity for political influence—lottery-based *systems* should nevertheless be expected to fall short of political equality in ways that create fundamental challenges for ordering electoral systems and lottery-based alternatives in accordance with that standard.

Since lottocracy works by selecting citizens at random and placing them in important positions of power and discretion, it—like electoral systems—makes the distribution of views in the broader public important for policy outcomes. Lottocracy therefore furnishes interested parties with significant incentive to influence citizens’ views. Under such circumstances, we should expect organized and well-funded groups to

²⁰Gilens (2012) documents empirical patterns in policy influence in the USA that are consistent with these observations about representative democracy’s inability to satisfy equal opportunity for political influence.

use their advantages to gain outsized influence on the distribution of popularly held positions. For example, there is every reason to expect that, under lottocracy, energy companies would try to influence the public's perception of climate change and other issues that affect their profitability. A key contributor to unequal opportunities for political influence in electoral democracies, thus, exists in very similar fashion in lottocratic systems.

Some advocates of lottocratic systems deny that this is the case, insisting that there is a relevant discrepancy between electoral and lottocratic systems. For instance, Alexander Guerrero argues that the average individual selected by a lottery will not be tracking the details of many political issues very closely ... Even if they do take note of some advertisement, it is unlikely to provide them very much in the way of detailed guidance ... when it comes to actually creating and supporting particular legislation. This problem can be largely bypassed in the context of electing a representative, since it is possible to get people to support one's desired candidate by changing people's views with respect to a candidate's character or likability.²¹

This line of argument exaggerates the difference between background political debate in lottocratic and electoral contexts. It is not difficult to imagine coalitions emerging in a lottocratic context that compete to swing public opinion in their favor by elaborating and championing broad ideological positions that have important implications for controversial political issues; recruiting citizens to identify with the preferred ideology; lobbying those who win lotteries to champion it; and celebrating and rewarding those

²¹Guerrero 2014, pp. 165–6.

who do so successfully. In other words, as in electoral systems, we should expect lottery-based systems to bring forth well-funded groups working to get citizens to identify with ideological position that are likely to benefit those groups. Indeed, given what is at stake in policy debates, it seems fanciful to expect that simply changing the mechanism for selecting legislators will prevent wealthy and well-organized interest groups from being willing and able to influence what policies emerge from that process with greatest support, even if details of their favored strategies are likely to change.²²

To emphasize, our position is that because the choice between the two types of systems does not affect the existence of opportunities for well-organized and well-funded groups to shape public opinion, *both* electoral and lottocratic systems will predictably depart from equal opportunity for political influence. We see no convincing way to show that one or the other type of system will better mitigate the success of such strategies.

Turning now to the independence of representatives, advocates of lotteries often (correctly) observe that elected representatives need the support of wealthy groups or individuals to run effective campaigns for office and to be successful in their legislative careers. They then argue that, by eliminating elections, lottery-based systems can also

²²That such forces have not emerged with regard to deliberative polls and the British Columbia Citizens Assembly is not a good objection to this argument. There is little incentive for such behavior in those settings, because the results of the former lack authoritative standing, while the latter dealt with a very special policy area that does not create obvious *ex ante* winners or losers. Those reasons, however, hint at when lotteries are particularly attractive (see Section VI below for systematic discussion).

eliminate such pathways of unequal opportunity for influence. However, it is more plausible to expect that moving to a lottery-based system will merely change the *strategies* that such groups employ to exercise unequal influence, without eliminating their ability to do so.

It is reasonable to suppose, for instance, that representatives who advance the interests of wealthy groups or individuals while in office will be supported by them afterwards (perhaps, for instance, through lucrative job opportunities)—as a kind of implicit, if rarely provable, *quid pro quo*. With this expectation in place, those selected by lottery will have a strong personal interest in catering to the needs of wealthy and powerful groups—indeed, doing so may well be their best strategy for taking personal advantage of having been selected in the lottery. Since lottocratic systems have no accountability-based constraint to prevent officials from using their positions to effectively sell public policy to the highest bidder, there is no protection from this source of unequal opportunity for political influence. This is one of the worrisome implications of the deference model, which underlies lottocratic regimes.

One could object that, in a perfectly designed system, opportunities for such influence would be eliminated (for example, through lobbying regulations). Yet, given the strong incentives to influence policy makers and the many subtle ways available to do so, this seems a naïve assumption. In any event, if one should expect that eliminating such opportunities for unequal influence would be easier to accomplish in a lottocracy, *that* needs to be a centerpiece of the argument on its behalf. We are skeptical that that burden could be met.

The goal of the arguments in this section has been to show that even if lottocratic selection *itself* is more consistent with equal opportunity for political influence than election, it does not follow that the *broader political system* built around lotteries would be more consistent with the egalitarian standard than the broader system built around elections. The reason is that crucially important sources of political inequality—including a commitment to freedom of speech in the context of material inequality and independence for representatives in the interim between selection—are as much features of lottocratic systems as of their electoral alternatives. Ultimately, existing arguments provide no compelling reason for thinking that these sources of unequal political influence will lead to greater departures from the egalitarian ideal in electoral systems than in lottocratic alternatives.

One might be tempted by the thought that if (1) both types of systems are vulnerable to departures from political equality associated with the wealthy's influence over preferences and public officials' independence, and (2) lot is more egalitarian than election (since only the latter is susceptible to influence via spending), then we can infer that lottocratic systems will be *overall* more compatible with the egalitarian ideal. The problem with this line of reasoning is that it implicitly assumes that the *extent* to which the wealthy's influence over preferences and public officials' independence generate political inequality is equivalent in the two types of institutions. Alas, the opposite is more plausible: the *extent* of inequality generated by these features *depends* on the mechanism by which officials are selected. In the next section, we argue that when that mechanism is properly considered, the comparison of the departures from egalitarianism associated with the two institutional systems becomes far less obvious.

IV. THE INSTRUMENTAL CONSEQUENCES OF INEQUALITY

Our goal in this section is to dispute the second part of the standard case for selection by lottery, according to which lottery-based systems are superior with regard to their ability to avoid the bad policy consequences associated with capture.

It is true, as advocates of lotteries frequently emphasize, that office-holders selected by lot will not be reliant on wealthy interests to help fund their campaigns (since there is no role for campaigns, at least in the ordinary sense, in such a system). As we have already noted, however, it does not follow that the wealthy and well organized will therefore be unable to capture the policy-making process. Indeed, we will argue that it is not implausible that such problems will, in fact, be worse under a well-designed lottocratic system than under a well-designed electoral system.

To begin, there is reason to worry that lottocratic systems would be afflicted by a particularly pernicious version of the revolving door problem. If a wealthy trade group forges a reputation for handsomely rewarding former legislators (say, by offering them lucrative positions after they leave office), this is very likely to affect the behavior of future legislators who wish to capitalize on the good fortune of being selected for public office. Whereas elected representatives' desire to stay in office limits the extent to which they can use the powers of public office to reward wealthy supporters at the expense of ordinary voters, winners of lotteries know that they will not hold office in the next period regardless of how they perform. This gives legislators in lottocratic systems a much *freer* hand than elected officials to "sell" their legislative influence to the highest bidder.

This argument also calls into question the claim that lottocratic institutions are preferable to electoral alternatives because they provide a superior setting for deliberation. To the extent that mini-publics are able to approximate ideal deliberative conditions, it is in part because so little rides on the consequences of individual participants' decisions. Once participants are empowered, the preconditions for beneficial deliberation are threatened, just as they are in chambers of elected officials—since in both cases interested parties will have incentives to affect decision making. For this reason, it would be a mistake to interpret the empirical evidence associated with, for example, deliberative polls as predictive with regard to deliberation in lottocracy.

We can think of three ways that lottocracy might guard against such concerns, but all are problematic. First, advocates of lotteries can rely on office-holders having a strong sense of civic responsibility and, so, simply being unwilling to use public office for private benefit. However, since office-holders stand to gain considerably by “selling out,” the system would depend on their placing an extremely high value on civic responsibility. This is particularly so because no individual office-holder will be pivotal in maintaining general adherence to the norm of civic responsibility. Thus, even those office-holders who would prefer to live in a world guided by civic responsibility may have strong incentive to cash in on their good fortune in being selected by lottery. While we do not doubt that some of those selected to hold high office in a lottocratic system would indeed exercise that power in civically responsible ways, it is difficult to reject the supposition that many others would not. It seems unwise to adopt a political system whose effective functioning depends on office-holders voluntarily acting in ways that impose on them substantial avoidable costs.

A second way that one might guard against rent-seeking in a lottery-based system is by introducing mechanisms of accountability. Many historical lottery-based systems employed accountability devices, including severe punishments for office-holders who abused their positions or made poor public policy decisions while in office.²³ Alas, in the presence of such accountability mechanisms, we should be particularly worried that citizens' self-selection will undermine the descriptive representation on which the appeal of lotteries rests. The standard, and often quite effective, approach to improving the representativeness of a sample when a single-shot random selection generates an unrepresentative one is to iterate the selection so as to replace the non-participating member with a different (back-up) member who has identical (observable) demographic characteristics. However, particularly in the context of a body that makes public policy decisions and whose members are subject to formal personal accountability-based challenges, the unobserved differences between those who agree to participate and those who do not are likely to be particularly great.

For example, those who participate may be less risk-averse, have a greater penchant for fame, be more interested in public affairs, have a greater sense of personal efficacy, and so on. The replacements who agree to participate are, then, likely to be meaningfully different in their preferences and responsiveness to particular types of information and arguments from those who do not—even if they could be made to match

²³Manin 1997.

the latter from the perspective of ordinary demographic measures.²⁴ In short, insofar as accountability devices are strong enough to mitigate the problems of capture that arise post-selection, they are likely to do so at the expense of departures from the descriptive representation on which the case for lotteries depends.²⁵

Third, lottocrats often argue that such systems can avoid rent-seeking via descriptive representation since, in a system in which representatives are selected by lot, we should expect representative bodies to mirror closely the broader population. To a certain extent, descriptive representation may hinder rent-seeking, because laws acceptable to a majority of a randomly selected legislature may ipso facto be acceptable to the broader population that they mirror.

While there is some truth to this claim, descriptive representativeness of a legislature provides no shield against two kinds of rent-seeking, which, given no constraint from electoral incentives, may be expected to be particularly rampant in lottocracies. First, those selected by lot will—qua representatives—be importantly

²⁴In fairness, though, this is a question that would need to be settled experimentally. We are grateful to one of the journal's referees for raising this challenge in a particularly helpful way.

²⁵One way out of this bind is to couple accountability mechanisms with compulsory participation. While this is likely the most effective way of approximating equal opportunity for political influence while combatting rent-seeking, it seems to us to come at too great a cost to individual freedom. Or, put more dramatically, it approximates, a little too uncomfortably, *The Hunger Games*.

different from those whom they represent. Without an electoral check, that difference creates obvious incentives to pass generous bills related to representatives' own salaries, pensions, terms in office, and benefits that do not track the interests of the broader population. Second, those selected by lot are in a position to use their special status to advance the preferences of minority special interests, in expectation of future rewards. Indeed, they will have strong incentive to do so, given that their position of power is a one-off opportunity untethered to the kinds of accountability mechanisms that encourage elected officials to pursue policies at least broadly acceptable to a majority of their constituents.²⁶ Thus, even though individuals selected by lot need not, *ex ante*, be similar to each other, the fact that they hold office gives them shared characteristics and opportunities that they can exploit for rent-seeking purposes.

So far, the burden of this section has been to argue that it is far from clear that systems in which representatives are selected by lot would be less vulnerable to generating poor policy results because of capture by the wealthy than are electoral systems. However, it is also important for evaluating lottocratic proposals that the political process can be captured by other interested groups. In particular, there are reasons to think that lottocratic systems would be much more vulnerable to *bureaucratic* capture than electoral systems. This vulnerability stems from the fact that lottocratic systems would typically move representatives in and out of office more frequently than electoral systems (because incumbents would be returned for subsequent terms at far higher rates in electoral systems). Since those selected by lot would have extremely

²⁶Fishkin 2018, p. 365.

limited knowledge and expertise in particular policy areas, they would be forced to rely heavily on members of the civil service (or lobbying firms) for information about existing laws, their effects, and other important information.²⁷ Their relative lack of independent information would make it difficult to control the much better-informed bureaucracy.²⁸

Further, given the short periods for which those selected by lot would hold power, influential members of the bureaucracy would have incentives and ability to resist policy changes that they dislike by dragging their feet or even refusing to implement selected policies, with the knowledge that a new group of officials would soon come to power. While this kind of bureaucratic capture certainly occurs in electoral systems, the quicker rotation of legislators in lottocratic alternatives heightens the problem, again undermining confidence in the view that overall concerns about capture are likely to be less problematic in lottocratic systems.

One way for the lottocrat to respond would be to suggest lengthening terms in randomly selected chambers to match the service time of average elected officials (taking into account the latter's propensity to re-election). Notice, though, that even if this

²⁷Ibid., p. 364; Gailmard and Patty 2013; Gastil and Wright 2018, p. 317; Umbers forthcoming, p. 17.

²⁸ Advocates of lotteries often suggest some educational program for those selected, but any such program will be insufficient to render new legislators epistemic equals to career officials and will introduce new worries of capture—related to questions about who gets to run such program, what counts as relevant information, and so forth (for discussion, see Lang 2008). Thus, even if such programs are helpful, they are far from a panacea.

decreased the lottocratic system's susceptibility to bureaucratic capture, it would simultaneously exacerbate the problems related to special-interest capture—since the longer an office-holder is in a position of power, the better positioned she will be (in terms of relationships and information) to “sell” her legislative power to interested parties. In that sense, lottocrats face a tradeoff between greater likelihood of special-interest capture and greater likelihood of bureaucratic capture (even while many moderate proposals simultaneously court both concerns). The recognition of this tradeoff should make one skeptical that problems of policy capture are simply a product of a suboptimal institutionalization of sortition. (We will return to the consideration of this tradeoff below.)

The upshot of this discussion is that the general problems that lottocrats often attribute to electoral systems with regard to capture are not, primarily, problems created by election. They are, instead, problems created by systems in which representatives are given a significant degree of *independence* to act as they like while holding office. While elections may (especially when poorly designed) exacerbate the problem in one way (by favoring wealthy candidates or those with wealthy supporters), they are a defense against capture in another way (by limiting officials' willingness to pursue policies disliked by a majority of their constituents). By contrast, it is notable how *little* purely lottocratic systems have to offer as a replacement for imperfect electoral means of chastening rent-seeking behavior.

The too-simple assumption underlying many arguments for selection by lot is that, because that selection method is more egalitarian, a system built around it will have more egalitarian consequences than one built around election. However, as we have

stressed, this does not follow; a comparison of the two types of systems needs to attend to the incentives generated for actors working within them and the likely consequences of those incentives, as opposed to focusing just on the way that these systems select public officials. With that broader focus in mind, there is no reason for confidence that a system built around lottery will be, overall, better from the perspective of satisfying political equality or preventing capture.

V. WHERE RANDOM SELECTION FAILS: THE EPISTEMIC BENEFITS OF ELECTORAL SYSTEMS

We have argued against the standard case for selection by lot by showing that confidence that lottocratic systems will satisfy egalitarian norms or minimize the bad consequences often associated with departures from such norms better than their electoral counterparts is misplaced. Although this conclusion undermines the key ostensible advantages of lotteries, it does not imply that lottocratic systems are more problematic than electoral systems—it merely suggests that a more resolute comparison between those systems must proceed on a different basis. Accordingly, we will now argue that there are potential epistemic advantages associated with election that are not available when election is replaced with random selection, and that this provides an instrumental reason to favor systems built around election.²⁹ (In saying that electoral systems have potential

²⁹We do not mean to imply that there could be no other considerations that may give an edge to systems built around random selection, merely that in the presence of the

‘epistemic’ advantages, we mean that they are in a superior position to make use of available information and argument in ways that advance constituents’ interests.)

There are two distinctive effects associated with electoral representation that, in well-designed systems, jointly work to generate this advantage. The first is a pivotality effect. Citizens who are selected to be office-holders in a representative system are far more pivotal than they would be as ordinary citizens in a direct democracy. This gives them greater incentive to become well informed about the issues to be decided, as well as to choose carefully with respect to them, than they would have as ordinary citizens in a direct democratic system. Of course, effects associated with pivotality arise regardless of whether one selects representatives via elections or lotteries. The difference between the two systems emerges because the nature of the pivotality effect crucially depends on the broader institutional context.

The attractive feature of electoral representation is that it increases pivotality *in an environment of accountability*. Assuming that elected officials attach very high value to keeping their positions of power, the fact that they operate in a context of electoral accountability (that is, knowing that they could face regular electoral challenges), strongly incentivizes them to use their political power in a way that they anticipate will please constituents. The important point to recognize is that the welcome epistemic consequences associated with pivotality and accountability largely depend on *the two effects operating simultaneously*.

argument we are identifying in this section—an argument that points to an important advantage of electoral systems—the burden of justification shifts to lottocrats.

Accountability in an environment of low pivotality is unlikely to be effective. As scholarship on voting behavior has shown, voters tend to assess candidates largely indirectly (by assessing, for instance, the general state of the economy) rather than by observing their specific actions, the latter possibility for most voters being prohibitively costly in terms of time and effort. But representatives who are judged according to such indirect metrics and who have low pivotality have particularly weak incentives for good performance—after all, acting for the public good will make little difference to their chances of retaining office. Given reasonable assumptions about the likely behavior of voters and office-holders, the accountability effect is unlikely, in the absence of a reasonable level of pivotality, to be consequential.

Meanwhile, pivotality without accountability is outright dangerous, because it makes it possible for office-holders to use their positions of power to advance their personal interests with impunity. A dictator without significant rivals for power is pivotal without being accountable; and it is, in important part, precisely that combination that ordinarily renders such systems dangerous and unappealing.³⁰ While obviously not dictatorial, lottocratic systems suffer from a version of the same problem: they bestow significant pivotality on representatives without complementary mechanisms of accountability. This is an elaboration on the general point about deference stressed throughout: in the absence of some accountability mechanism, the assumption that

³⁰Feddersen et al. (2009) provide evidence that increased pivotality in the absence of accountability leads to more self-interested decision making.

individuals selected as representatives will use their positions of power to advance the public good is unwarranted.

The distinctive feature of electoral systems of representation is that they avoid that hazard by *combining* relatively high pivotality with accountability in order to incentivize public officials to use their power to advance the interests of their constituents (and, in a well-designed such system, to do so in a careful, well-informed, and more even-handed manner). There is little reason for confidence that systems built around lottery can replicate this instrumental advantage, even given the best institutional design.

This is not to say that electoral institutions *in fact* ensure good outcomes for constituents—merely that they entail institutional mechanisms that, to varying degrees, can constrain misbehavior of elected officials in ways that lottocratic systems do not. Further, the advantages associated with the combination of high pivotality and accountability importantly *depend* on the effectiveness of the design of the electoral system and supporting institutions (such as freedom of speech and the press). In other words, our claim is *conditional*: a *well-designed* electoral system, not just *any* electoral system, will have benefits that result from the combination of high pivotality and accountability that lottery-based systems have no clear way to duplicate. While it is surely true that existing systems are not optimally designed to generate such benefits, the question that we face is *what kinds of reforms are appropriate, given that fact*: reforms in the direction of better-designed systems of electoral representation or reforms that substitute sortition-based alternatives for those electoral systems. There is, we have argued, little room for making the choice in favor of lottocratic reforms on the strength of egalitarian considerations or worries about capture. However, that only reforms within

the framework of electoral representation can capture the potential epistemic benefits described above presses the case in their favor.

One might wonder whether the potential epistemic benefits of representative democracy are illusory, since such systems make elected officials accountable to voters, who have both low pivotality and low accountability. One way of framing this concern is as follows. Given that the positions of representatives depend on the assessment of voters, how can we expect officials to behave in ways that reflect their own reasoning rather than pandering to voters? Even though all representative democracies will generate some tendency toward pandering, it is important to see that the evaluation of policy *outcomes* is considerably less cognitively demanding than the evaluation of policy instruments, and creates the possibility of a productive relationship between a principal (voter) and her better-informed agent (politician). Indeed, and somewhat paradoxically, the less attentive voters are to policy debates, and the more they base their electoral response on experienced outcomes, the better they may be able to do in bringing forth superior policy choices by elected policy makers.³¹

The last point underscores one of the mechanisms that can account for the seemingly paradoxical conjunction of the pessimistic micro-level accounts of voters associated with the Michigan School findings of political psychologists³² and the aggregate-level “macropartisanship” evidence of substantial accountability of elected

³¹Bueno de Mesquita and Landa 2015; Fox 2007.

³²Most recently, Achen and Bartels 2016.

officials.³³ Both this mechanism, as well as others identified in the political science literature, including citizens' cue-taking from informed elites³⁴ and strategic incentives in deliberative interactions, which favor the less politically and cognitively sophisticated audiences,³⁵ help respond to a different version of the concern raised above—that voters' choices may be not merely underinformed, but, in fact, ultimately, too disconnected from representatives' performance to serve as a meaningful constraint on them (as, for instance, evidence of voters irrationally holding their elected officials accountable for such performance-unrelated events as shark attacks would suggest).³⁶ Ultimately, while these concerns point to important challenges to democratic governance and cannot be exhaustively addressed here, there are good reasons for thinking that when the micro-level evidence of voters' limited capacity is construed within its broader political and epistemic context, its implications are considerably less daunting than often supposed.³⁷

We conclude this section with two further comments. First, it is worth highlighting that—unlike traditional Madisonian arguments for the instrumental

³³E.g., Erikson et al. 2002.

³⁴Lupia and McCubbins 1998.

³⁵Hafer and Landa 2018; Landa 2019.

³⁶Achen and Bartels 2016.

³⁷Several recent studies (e.g., Ashworth et al. 2018; Fowler and Hall 2019) raise serious doubts about the plausibility of Achen and Bartels's evidence of electoral responses to natural disasters and shark attacks, which forms a cornerstone of their critique of electoral democracy. See similarly Fowler and Montagnes 2015.

superiority of electoral systems—our argument does not depend on the ability of electoral systems to select particularly well-qualified individuals for public office. Well-designed electoral systems may, in fact, have this benefit, but the claim that electoral systems have epistemic advantages relative to lottocratic alternatives does not require it. This is important, because it is often assumed that justifications of electoral systems “require a commitment to the idea that some are better able to rule than others.”³⁸ Advocates of lotteries, then, see this as a disadvantage compared to the egalitarian justification for lottocracy. The foregoing argument suggests that that assumption is unwarranted; instead, electoral representation could generate epistemic benefits through the combination of pivotality and accountability *even if* all citizens were equally competent.³⁹ Likewise, defenders of lotteries often think that the most important worries about them are related to the competence of office-holders,⁴⁰ but our critique sets that issue aside entirely.

Second, a further argument that could be given for selection by lot over election is that the former would generate a more cognitively diverse legislature, perhaps facilitating more beneficial deliberation.⁴¹ However, cognitive diversity and deliberation are most relevant to the construction of good policy under circumstances in which it is fair to assume that actors are working in good faith to pursue the common good.⁴² The worry

³⁸Guerrero 2014, p. 169; also see O’Leary 2006, p. 9; Stone 2016.

³⁹Landa and Pevnick 2020.

⁴⁰E.g., McCormick 2006, p. 156.

⁴¹Abizadeh Forthcoming; Landemore 2013.

⁴²Page 2008.

raised above about lottocratic systems, however, is precisely that they lack mechanisms that could give us confidence that that assumption will be satisfied. Cognitive diversity is somewhat beside the point for generating good public policy if the relevant actors are, to a considerable extent, bent on figuring out ways to use their positions of public power for private gain.

VI. CAN RANDOM SELECTION “FIX” ELECTORAL SYSTEMS?

One way of restating our main claims to this point is that (1) the standard case for lottocracy fails because it is unclear that systems organized around lotteries can outperform electoral systems with regard to political equality or preventing capture, and (2) there are important epistemic advantages associated with having representatives who are in positions of relatively high pivotality and accountability (and disadvantages when representatives do not have those attributes). While lottocracy is the most radical sortition-based proposal (in the sense that it completely eliminates electoral accountability), the preceding critical discussion provides a foundation for evaluating more cautious proposals as well. A natural way of proceeding in the context of that discussion is along the central institutional dimension implicit in it: the extent to which policy makers are electorally accountable.

A prominent set of proposals that is nearest to lottocracy on that dimension suggests integrating randomly chosen bodies with formal decision-making power into the permanent institutional landscape of traditional systems of representative democracy—thereby supplementing, rather than replacing, electoral systems. The idea of a chamber selected by lot has migrated out of academic discourse and been endorsed by grassroots

activists, including *Génération Nomination* in Switzerland.⁴³ While exciting for the novelty of their institutional responses to the problems of electoral accountability, these proposals face two important dilemmas that have largely escaped attention.

The central idea underlying these proposals is that a randomly selected chamber can usefully protect against the tendency of electoral institutions to be captured by wealthy interests. The natural initial possibility is to give a randomly selected chamber significant policy influence—it could, for instance, be made a coequal of the elected legislature. Yet, if the preceding criticisms of lottocracy are correct, then we lack reason for confidence that sortition-based chambers will be less prone to capture by the wealthy. It is not obvious, then, why we should expect that such proposals would reduce the propensity of the system as a whole to capture.

Two responses for advocates of such proposals suggest themselves. The first involves trying to design the lottocratic chamber so that its members are not vulnerable to capture. For instance, Owen and Smith propose rapid rotation of randomly selected citizens in order to prevent capture by special interests. Yet, as noted above, rapid rotation helps address worries about capture by special interests at the same time that it aggravates worries associated with bureaucratic capture. Indeed, Owen and Smith’s proposal involves creating a “central administrative organization” to administer, inform, and organize the various randomly selected bodies that it relies upon.⁴⁴ But, given the very short time in office for randomly selected citizens, there is a pressing worry that the

⁴³Relatedly, for argument in popular press, see Abizadeh 2016.

⁴⁴Owen and Smith 2018, p. 431.

bureaucracy (including members of this body) will come to manipulate randomly selected citizens and, to some extent, inappropriately influence their decisions. This tradeoff between special-interest and bureaucratic capture is the first of two key dilemmas at the heart of sortition-based institutional design that, together, provide reason for skepticism that introducing permanent sortition-based bodies holds significant potential for curing the ills facing existing representative democracies.

In order to escape this dilemma, one could seek to endow the randomly selected chamber with a much more limited set of powers. An influential proposal, due to John McCormick, for example, limits the randomly selected chamber to “veto one piece of congressional legislation, one executive order, and one Supreme Court decision in the course of their one-year term,” as well as to initiate a single national referendum and impeachment.⁴⁵ Similarly, Alex Zakaras’s scheme gives a randomly selected chamber of the legislature the power to vote, up or down (not to offer any modifications to), the legislation passed by elected representatives.⁴⁶ While these limitations on the power of randomly selected bodies are meant by their proponents to minimize cognitive demands, thus rendering it more plausible that randomly selected citizens will be able to discharge their responsibilities effectively, they may also be used as a strategy to avoid capture⁴⁷ — the idea being that by limiting the power given to randomly selected bodies, one thereby reduces the incentives for capture.

⁴⁵McCormick 2006, p. 160.

⁴⁶Zakaras 2010, pp. 456–9.

⁴⁷Owen and Smith 2018.

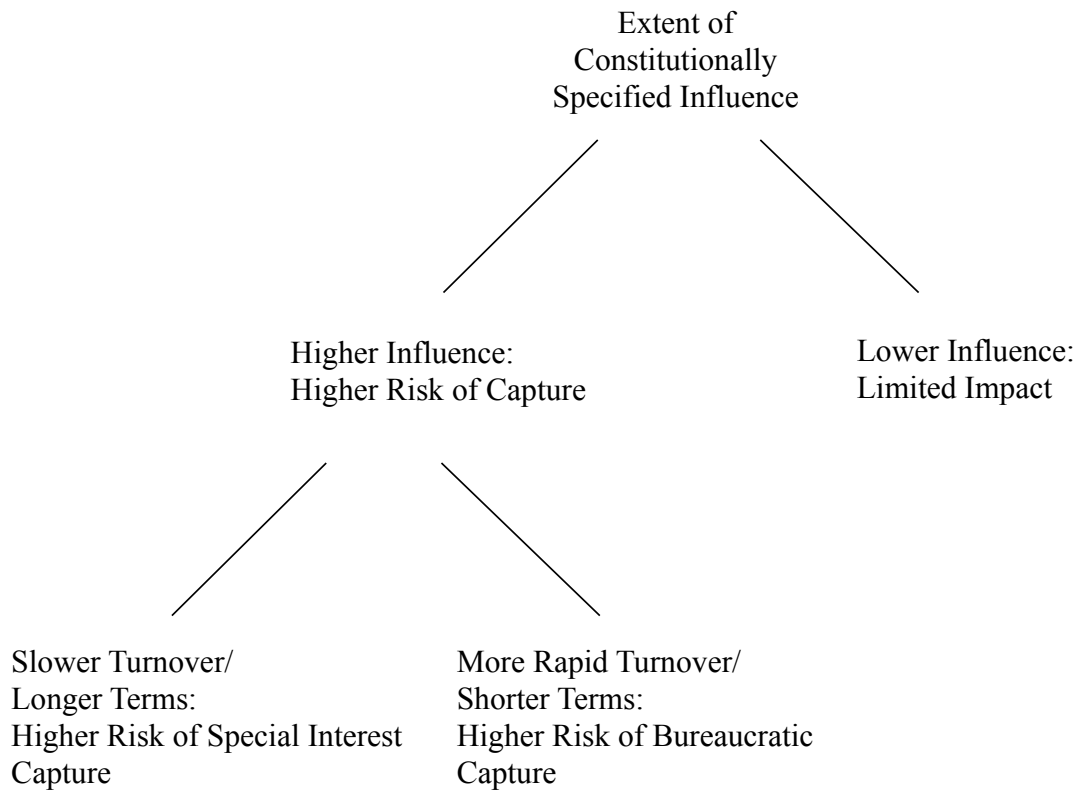
However, the relatively limited power allocated to sortition-based chambers in such proposals means, ultimately, lower capacity of such proposals to effectively solve the problems plaguing electoral institutions. What would, for example, stop the elected legislature from developing its agenda in the form of a large number of small bills instead of a single far-reaching piece of legislation, thereby undermining the impact of the veto in McCormick's proposal? Zakaras's proposal gives the lottocratic chamber a more robust authority, but even there, the elected representatives would be assured of its approval by proposing policy that that chamber finds *minimally* preferable to the status quo. Ultimately, the agenda-setting power of elected legislature would likely enable it to minimize the influence (that is, effective policy authority) of the randomly selected chamber.

Importantly, these two concerns (with capture and with low effective policy authority) are connected, because the stronger sortition-based chambers are made in order to circumvent the second problem, the more this aggravates the underlying mismatch between pivotality and lack of accountability, and, as a consequence, problems related to capture. At the same time, the more one focuses on reducing the threat of capture, the less consequential—and so less able to effectively ameliorate the problems of existing representative democracies—the randomly selected body is likely to become. We have arrived, then, at the second key dilemma underlying institutional design of sortition-based proposals.

Figure 1 summarizes these two dilemmas—between susceptibility to bureaucratic capture and special-interest capture, and between high propensity to capture and low policy influence. It is impossible to discuss all of the proposals in the literature or to rule

out the possibility of a design that threads the needle just so. However, the above discussion is meant to clearly identify two key tradeoffs that jointly threaten to undermine attempts to save representative democracy by integrating randomly chosen bodies with formal decision-making power into the permanent institutional landscape of democratic societies.

Figure 1. Design Dilemmas for Sortition-Based Proposals



Consider next uses of random selection that are at the opposite end of the spectrum from lottocracy in the sense that they leave the traditional system of electoral accountability in place. In this role, the case for random selection hinges on an informational argument that is fundamentally distinct from the standard argument we

criticized above. The idea is not to give the outcome of a randomly selected body a formal, let alone binding, institutional standing, but to inform public debate by providing a valuable piece of information—namely, the preferences of a descriptively representative group of citizens who have deliberated and become more informed about an important issue on the public agenda. Most discussions of the deliberative poll⁴⁸ fall into this category.

The information entailed in the outcome of a deliberative poll may be useful in at least three ways. First, if such an outcome differs from the position of the majority, minority groups may be able to use the deliberative poll to help scrutinize and challenge the majority opinion, raising questions—for instance—about the soundness of the reasoning supporting it.⁴⁹ Second, deliberative polls may provide useful information to elected officials about the interests of citizens, particularly on issues about which public opinion is not effectively crystallized.⁵⁰ Third, they may provide a public reason for skepticism in cases in which the outcome of the poll *and* ordinary majority opinion differ from existing policy.⁵¹ In such cases, the discrepancy may signal the capture of public policy by special-interest groups and create pressure for an explanation from elected officials.

⁴⁸E.g., Fishkin 2011, 2018.

⁴⁹Lafont 2017.

⁵⁰MacKenzie and Warren 2012.

⁵¹Lafont 2017.

Crucially, such uses of mini-publics do not substantially threaten the combination of accountability and pivotality that, we have argued, provides an important reason to favor representative systems built around election. To the contrary, an effective system of accountability requires that ordinary citizens be able to make reasonable judgments about the performance of elected representatives. Insofar as deliberative polling (for instance) can help satisfy this prerequisite, such use of mini-publics is consistent with the reasons for valuing electoral representation laid out above. This is the crucial sense in which deliberative polling differs from proposals for lottocracy.

Yet, it is important not to overestimate the expectation of the informational content of mini-publics' pronouncements. Perhaps somewhat counterintuitively, it may be best if citizens see such pronouncements as noisy and only partially authoritative signals of the relevant states of the world. This is because the more weight or credence such pronouncements enjoy, the more pressing we should expect the problem of the mismatch between pivotality and accountability to become. In the limiting case in which a mini-public's pronouncements are viewed as epistemically authoritative, the resulting situation effectively replicates one in which a mini-public is an official policy-making body—and so, maximizes its susceptibility to policy capture. A different way of saying this is that in the strategic interaction between citizens, special interests, and members of mini-publics, the outcome in which mini-publics are both not corrupt and enjoy complete deference from the citizens should be highly fragile. Thus, while it is tempting to look at the performance of deliberative polls (or other temporary and advisory mini-publics) and conclude that we should make the results of their deliberation authoritative with respect

to policy outcomes, doing so promises to change their functioning in ways that threaten the underlying appeal.

This conclusion suggests that, in addition to the extent to which democratic governance turns on electoral accountability, there is another, related but logically distinct, dimension relevant to assessing such proposals—how authoritative the randomly selected body is perceived to be with respect to policy outcomes. All else equal, proposals that seek to create authoritative standing for decisions by members of such bodies are worrisome because they (surely unwittingly) reintroduce the agency-theoretic problems that, we argued, are acute for lottocracies. On the other hand, settings in which randomly selected bodies' pronouncements are given *no* weight cannot improve democratic systems since that implies no effect on outcomes. Optimally, then, such pronouncements would be partially authoritative—citizens would see the outcome of a deliberative poll as an important piece of information—one worth considering, but not one to which deference is owed.⁵²

⁵²On a causal level, such a situation might emerge if, for example, there were lingering procedural worries about the implementation of random selection—such as the non-representativeness of the sample of participants (e.g., Jacquet 2017) or concerns about the quality or fairness of information presented to participants (e.g., French and Laver 2009). While such imperfections might be addressed through institutional design, an implication of our argument is that—at some point—such improvements will come with a downside: by undermining some reasons that citizens have to treat results as only *partially* authoritative, they will, in effect, create others, by increasing the susceptibility of such

This insight helps shed light on a range of institutional proposals that, in a sense, split the difference between lottocracy and deliberative polling. Consider two prominent possibilities, both of which seek to ameliorate the problem of accountability ordinarily facing institutions of direct democracy—viz., the absence of incentive for ordinary citizens to invest the time and energy needed to develop reasonable and well-informed preferences. In the first, a randomly selected mini-public is educated about a referendum proposal and—as in Oregon’s Citizens’ Initiative Review—offers a judgment about the merits of that proposal that other citizens, in voting, are free to call upon. This can be a useful tool insofar as that judgment is not taken to be overwhelmingly authoritative;⁵³ however, as noted above, the more authoritative that judgment becomes, the more worried we should be about the dangers associated with unaccountable pivotality.

A second possibility, which we call citizens’ initiative agenda-setting, gives a temporary randomly selected body, such as the British Columbia (BC) Citizens Assembly, formal decision-making power to set the agenda for voters.⁵⁴ All else equal, since more would be at stake as a consequence of such a body’s decision, the worry about

bodies to capture and heightening the associated concerns described above. The upshot is that there are built-in reasons that would render it plausible for citizens to regard the outcome of such processes as (partially, but not fully) informative of the state of the world, and, as such, not *fully* authoritative.

⁵³For some evidence on both its influence and its partial authoritativeness, see Gastil et al. 2017, sect. 3.

⁵⁴Warren and Pearse 2008.

the mismatch between high pivotality and low accountability is greater. However, it is important to recognize that the BC case, on which such proposals are often modeled, is quite special: the specific context was an area of public policy (viz., choice of a voting system) that does not have the clear ex ante winners and losers that exist in most domains. That special feature naturally made the institution less vulnerable to capture than would be its instantiations in other policy domains. While it seems relatively attractive as a democratic tool in domains that share that feature, generalizations from the empirical experience of the BC case to more ordinary policy-making environments would be too optimistic.

Figure 2 visually represents the considerations that have been at the center of our analysis of this and other sortition-based institutional forms. It displays the proposals we have discussed in a two-dimensional space, with the x -axis representing how authoritative the randomly selected body is, and the y -axis how electorally accountable a given regime's policy makers are. Whilelottocracy is represented as a specific point in that space because its x and y values would be constitutionally set, the other proposals are best thought of as having a single value with respect to the electoral accountability of policy makers (again, set constitutionally), but a range of possible values with respect to the authority of the randomly selected body, reflecting the strategic and contextual considerations noted above.

Figure 2. A Map of Sortition-Based Institutional Forms



*The vertical placement of 'a legislative chamber selected by lot' captures the idea that, while the (average) electoral accountability of policy makers in such regimes can vary across proposals, their *relative* electoral accountability is greater than what we should expect in lottocracies but, arguably, lower than what it would be in systems with citizen initiative agenda-setting, where all legislators are electorally accountable (though the randomly selected agenda-setters, who have substantial legislative power, are not).

In the end, all-things-considered assessments of these more moderate proposals must depend on a variety of contextual factors, including how possible it is to insulate the decision-making process within randomly selected bodies from interested parties, and the expertise necessary to address the issues at stake. Our goal here is not to provide such an assessment, since it would, surely, be context-specific, but rather to explain how the preceding arguments can help guide such evaluation. The broadest-brush summary of those implications is that proposals that seek to capitalize on the informational advantages due to random selection, while leaving policy-making in the hands of elected officials, are best positioned to escape the concerns about lottocracy—at least insofar as they do not lead to the judgments of randomly selected bodies becoming unduly

authoritative. Put differently, there are important reasons to worry about institutional arrangements that land in the bottom right and, to a somewhat lesser extent, in the top right of the figure, while proposals toward the top middle of the figure are, probably, most attractive.

VII. CONCLUSION

There is ample evidence of the shortcomings of existing representative democracies, including stagnant wage levels for much of the population, the rise of parties preaching hatred and evincing little commitment to democratic institutions, decreasing rates of participation, and growing worries about corruption. The sortition-based critique of electoral democracy has sharpened our understanding of the common problems facing electoral representation. Indeed, the crises facing representative democracy have increased the temptation to turn to alternative institutional regimes. We have argued, however, that (1) the standard case on behalf of sortition-based systems is unpersuasive; and (2) there are epistemic benefits associated with well-designed electoral accountability that provide important instrumental reasons to favor selecting representatives via elections. While sortition-based institutions have an informational role to play in strengthening systems of electoral accountability, such crises may be better confronted primarily through careful recalibration of existing systems of electoral accountability.

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