The Return of Democracy by Lottery

written by Nicholas Coccoma | January 11, 2020

Imagine if instead of having politicians and political parties make our most important decisions, we empowered everyday people from all walks of life to dive into the issues, work through their differences, and seek common ground. No campaigns, no donors, no slick-talking politicos. Just real people having real conversations about issues that really matter. This is the promise of Citizens' Assemblies, an exciting political practice that's gaining momentum around the world. Rather than the ballot, people in these assemblies win their seats via a civic lottery. And instead of posturing for the media, scoring cheap shots against their opponents, or cozying up to lobbyists, they function as a true deliberative body. The idea may sound preposterous, but it's as old as Western civilization itself. And its implementation would inaugurate one of the most democratic epochs in history.

Democracy by lottery traces its roots to ancient Athens. In their system, any eligible citizen could serve in government via a civic lottery that chose them. While the power to pass legislation resided in the Assembly (open to all citizens) a Council of 500—selected by lot—developed the proposals. Lotteries also chose magistrates and even judges. Only a few positions, like generals, relied on voting. Why? Because the Greeks understood a truth we've bitterly come to learn—wealthy elites control elections and the politicians they produce. This domination isn't a perversion of the system, but inherent to it. "The appointment of magistrates by lot is democratical," Aristotle observes in *Politics*, "and the election is oligarchical."

After the classical era, city states in Italy, Germany, and Spain kept democracy by lottery alive. Enlightenment thinkers knew of it well, such that, like Aristotle before them, Montaigne and Montesquieu considered it the true form of democracy. "The suffrage-by-lot is natural to democracy; as that by choice is to aristocracy," the latter explains in *The Spirit of the Laws*. "The suffrage-by-lot is a method of electing that offends no one, but animates each citizen with the pleasing hope of serving his country." It did offend some people, though, namely the leaders of the American War of Independence. The patriot gentry threw off a monarch only to institute the political lever that would insulate themselves from the very revolutionary forces they unleashed: elections. While the suffrage has expanded, the aristocracy—first landed, then capitalist—has never looked back. The dysfunction, corruption, and unaccountability of today's political establishment stems from that fateful choice. Voters exert little influence on campaigns (so thoroughly have elites co-opted them) and next to zero on policy. Legislatures answer not to the common citizen, but to hoarders of political resources—namely, wealthy donors. Elections have bred and fed a homegrown oligarchy.

The right-wing backlash against this inequality, and the autocrats it has fueled, has caused many to fear for democracy's future. That anxiety may prove valid for electoral representative democracy. But in spite or perhaps because of this crisis, democracy by lottery has seen a rebirth. Debacles like

Trump's election and the ongoing Brexit nightmare have unmasked the problems with voting, not democracy writ large. Though wedded together in our minds, the two are not synonymous. Democracy means merely rule by the people; it stipulates nothing about the process. My purposes here are threefold: to make a case for why the left should endorse democracy by lottery; to highlight visions of how it could work; and, finally, to explore how it could be implemented in the United States.

The Case for Democracy by Lot

Today's brief for democracy by lottery rests on at least three principles: legitimacy, effectiveness, and credibility. First, legitimacy. In a pure democracy, every citizen would have direct, equal input on decisions. The size of our polities precludes this ideal on practical grounds, necessitating delegates. Therein lies the rub—how to ensure these stand-ins reflect the public's wishes accurately. While we don't have Hogwarts's sorting hat, we do have civic lotteries. This process creates a Citizens' Assembly, a statistically representative cross-section of the populace.

Replicating society in microcosm, a Citizens' Assembly mirrors its demographic makeup. Overnight, legislatures would change from mostly wealthy, white, septuagenarian men to an accurate reflection of the population. Removing re-election anxieties protects members from special interests, allowing them to speak their conscience and represent the will of the people. And because each Citizens' Assembly rotates-in fresh individuals, the system avoids the dangers of incumbency. Moreover, since all citizens have the same chance of being selected to serve, democracy by lottery better realizes the democratic ideal of equality. There is an integral fairness to the process that elections don't even begin to approach. The latter tilt the playing field toward the few with the privilege to stand for office, the connections to advance their cause, and the war chest to wage a campaign. Democracy by lottery creates parity and openness—kiss gerrymandering, voter suppression, and ballot stuffing goodbye.

Secondly, effectiveness. Citizens' Assemblies increase the diversity of voices in the decision-making process, allowing different people to come together by focusing on wider community needs. This heterogeneity includes an all-important cognitive diversity. As Daniel Kahneman and other social psychologists have shown, each of us suffers inescapable biases in our thinking. Peopling a committee with individuals of varied viewpoints can avoid group-think, ensure that the wisdom of each viewpoint is heard, and promote truth-finding. Diverse groups of people make smarter decisions than homogenous ones, as political scientist Hélène Landemore has written. In fact, heterogeneous committees of informed lay people render better judgments than even specialists—the former bring perspectives and values that the latter overlook. Citizens' Assemblies develop an informed, critical understanding of issues, questioning a slew of experts, stakeholders, and theorists. They work together to identify the pros, cons, and trade-offs of policy options. The process emphasizes empathy and learning over hyper-partisanship. Farewell filibuster, shutdowns, and constitutional hardball. Unlike antic-prone legislatures, members of Citizens' Assembles actually deliberate. The hours they spend poring over polices dwarf that of politicians, who devote a third of their time to fundraising alone. The results are high-quality public judgements backed by considered, easily understood reasons. They are polls incarnated—except they are informed.

Finally, credibility. Experience illustrates that the public trusts the outcomes of Citizens' Assemblies more than those of legislatures. They take ordinary people along on the decision-making process. As a result, they close the perceived gap between elites and the commons. Citizens see decisions being made by "people like me," rather than careerist pols. As for accountability, members of Citizens' Assemblies report a strong sense of responsibility—to the public authority that initiates the process, to each other, and to the wider public. In fact, they exhibit a greater sense of accountability to future generations for their decisions, a feeling in short supply among elected legislators.

In sum, democracy by lottery solicits scores of ordinary men and women in building their future. This active participation engenders feelings of empowerment, engagement, and control. As David Von Reybrouck, author of *Against Elections* (2017), notes, today's citizens desire not just a vote, but a voice. Ticking a box every four years fails to satisfy. Recent use of Citizens' Assemblies has begun to slake that thirst. In Ireland, the government established a Citizen's Assembly in 2016 to address climate change, an aging population, parliamentary reforms, and the constitutional ban on abortion. More than one hundred citizens participated, and the body issued recommendations to the national legislature that garnered praise for their breadth and intelligence. Meanwhile, in Belgium, the parliament of the country's German-speaking province instituted a permanent sortition chamber last spring. This standing mini-public will act as an agenda council, determining three policy areas that need attention each session. Separate Citizens' Assemblies will then convene to develop legislation, with their proposals moving to the German-speaking parliament for approval.

Local governments have increasingly turned to mini-publics in the United Kingdom, and there have been calls to hold a national Citizen's Assembly to resolve the Brexit impasse. Closer to home, the organization MASS LBP has produced dozens of reference panels in Canada over the last 15 years. Ontario and British Columbia have even experimented with Citizens' Assemblies on a provincial level to address constitutional issues. The United States currently lags behind this trend, but that may soon change. Several states have adopted Citizens' Initiative Reviews to develop voter guides for ballot referenda. In Georgia, the Jefferson Center has pioneered the use of independent policy juries on a small scale. And just this year, the municipality of Milwaukie, Oregon, convened the first Citizens' Assembly in the country, under the direction of the organization Healthy Democracy.

Democracy by Lottery and Socialism

Despite the use of civic lotteries by radical parties abroad, the American left has yet to adopt the practice. This is a shame. Socialists correctly identify the political establishment's many ills. They envision the expansion of democracy not just in the political sphere, but the economic as well. Yet their tools for this transformation remain that of oligarchy—elections, parties, and politicians. In his new book *The Socialist Manifesto* (2019), Bhaskar Sunkara calls for a thoroughgoing democratic renewal, only to land on the most tepid of mechanisms: A unicameral legislature elected on the basis of proportional representation. Democratic Socialists of America make the same appeal in their 2016 strategy document. Granted, they also promise "new referenda and recall mechanisms" to hold politicians accountable. But no one can look at Brexit and honestly believe we need *more* ballot initiatives. Propaganda, media sensationalism, and voter ignorance—not to mention foreign hacking—render referenda anemic. To their credit, DSA does call for "municipal and state-level citizen assemblies that would be open to all and would be tasked with making budget decisions." But it offers no definition of these bodies. And if such assemblies are good for economics, why not for politics?

This is reform, not radicalism; adjustments of structures designed to benefit the privileged and perpetuate their power. Socialists are supposed to offer a visionary politics. But how can we expect an anti-democratic process to produce anything but an undemocratic result? If the definition of insanity is doing the same thing over and over and expecting a different result, then we are certifiable. Yes, ranked-choice voting, multi-member districts, and expanding the House of Representatives would improve matters. But they amount to tweaks and fixes of an ossified infrastructure. Countries that have proportional representation and coalition-building suffer from the same electoral pathologies as the United States. Going that route would just poke around the edges of the problem.

If the left seriously intends to end plutocracy, give voice to the multitude, and bring about a radically egalitarian political economy, it should sound the trumpet for democracy by lottery. Such a crusade

would inject a novel hope into a beleaguered public. It would restore the United States to its position as the cradle of liberty. It would make self-government exciting again, because it would make it real. People believe in democracy in the abstract. They just want more of it in practice. Given that hunger, movements that stand for a truly inclusive, participatory politics will win hearts and minds.

To what can we attribute the slowness of the left in catching on to democracy by lottery? We might chalk it up to the general parochialism of U.S. politics; Americans remain aloof to the innovations of the rest of the world's democracies. Leftist organizations may also suffer from the same electoral dysfunction and path-dependency as the establishment. Any institution can succumb to clericalism and capture by its managerial level. Finally, the desire for control can tempt leftist leaders as it does any other.

Another possibility: Socialists may doubt that democracy by lottery would prove amenable to realizing their overall project. How, after all, can a movement attain influence without party politics? More specifically, would Citizens' Assemblies amount to a clever, elaborate way for capitalists to continue holding the system hostage? Cody Hipskind ventures these suspicions in a June 2019 post on the blog *Equality by lot*. Offering a Marxist critique, he worries that democracy by lottery would take mass mobilization out of politics, leaving elites with even greater sway over the populace through their control of media and business. He also fears that Citizens' Assemblies, with their emphasis on seeking common ground, would end up sustaining an unjust status quo. Brokering compromises is "nice and all," he explains, "but as a Marxist my goal is not to create a politics without division."

It's a fair point. In order to get the necessary buy-in, Citizens' Assemblies grant stakeholders the opportunity to address them. Does such access give oligarchs undue influence on the outcomes? Likewise, the group relies on the testimony of experts and policy wonks to inform their deliberations. Might those presenters bias the body toward small-bore technocratic changes, away from sweeping transformation? Would the citizens have access to radical theories and the freedom to implement them, against the wishes of the establishment? And what would become of mass political movements and activist organizations? These are legitimate questions, and we must never underestimate the ability and desire of the establishment to co-opt reforms. But Hipskind should rest easy. To begin with, Citizens' Assemblies seek common ground among their own members, not necessarily with outside interests. As Yoram Gat notes in response, "The objective of sortition-based government is certainly not to create consensus-based politics. Consensus can only be based on suppression of the diversity of opinions (as is often the case in electoralism)." The goal, he continues, "is to find common ground where there is one—politics is far from being a zero sum game—and to decide by considered and informed majority opinion on issues that are in contention." As for testimony, Citizens' Assemblies have the ability to call their own experts during deliberation, in addition to ones provided for them (who must represent a spectrum of viewpoints anyway). Moreover, the process forces special interests out into the open. Stakeholders must answer to real members of the community, who can research and interrogate them. Lobbyists could no longer write bills and hand them to lawmakers behind closed doors.

Likewise, the absence of elections could actually benefit political organizations and empower the masses. Parties waste untold quantities of time, money, and energy on the campaign industry. The obsession with the horse race fixates on a cast of candidates, impoverishing the political discourse. Untethered, ideological movements could instead focus on raising consciousness and evangelizing their message. The more people who ascribe to a given philosophy, the greater the odds they'll be selected to govern and bring those beliefs into deliberations. Community agorae could arise, public forums for conversation and debate. People could focus on deep ideas, not shallow celebrities. Open, citizen-controlled media could also emerge to cultivate a broad democratic mindset. "Theoretical political education," Gat argues, "as well as dissemination of politically relevant information through

a multitude of media channels is a much more thorough and democratic method of political organization than the emotional whirlwind of campaign mobilization."

Socialists should recognize democracy by lottery as its handmaid, not a threat. The very establishment of Citizens' Assemblies and the end of the electoral system would mark a revolution. For once, all classes and groups would be represented fairly. Immune from dark money, they would offer the left its greatest opportunity to see its ideas adopted. Moreover, those decisions would come via persuasion, rather than imposition. Such a process would increase their legitimacy and salience over the long term. In the newly released *Legislature by Lot* (2019), the late Erik Olin Wright sums up the anti-capitalist argument for democracy by lottery. "Ordinary citizens wielding legislative power," he submits, "will be more open to reform and more skeptical about self-serving arguments for inequality preferred by rich and powerful elites." In fact, socialists need democracy by lottery more than they realize. Given the history of the twentieth century, today's radicals have rightly committed themselves to breaking with capitalism through democratic means alone. It's a tall order. No modern state has created a full socialized economy and maintained an open political system at the same time, as Robert Dahl, don of democratic theory, observed. Granted, most leftists seek some version of market socialism, not just central planning. But the danger of guardianship—at first temporary, eventually permanent—remains. Membership and trust in parties and elected officials stand at record lows, and for good reason: They have done the bidding of corporations for decades. Most leaders fail the standards of accountability, ethics, and the common good once in office. This suspicion creates an unforgiving climate. Jaded Americans will not suddenly trust politicians, however sincere—especially if the latter try to push systemic change. Most will cue the Who's "Won't Get Fooled Again": meet the new boss, same as the old boss.

If the left wants to buck these trends, it must ensure that its policies arise from the multitude, not some board of bigwigs. Democracy by lottery offers that assurance. As an inclusive, egalitarian process, it provides the structure for a participatory economics. It joins the wisdom of crowdsourcing with the coordination of the state, solving the localist-vs.-federalist conundrum. Calling for its institution would set socialists apart from the crowd, showing that they get it: Folks don't want politics as usual. Offering the populace a brazenalternative would spawn a flood of enthusiasm and goodwill—finally, a movement that gives power to the people. It would remove any fear of a hidden agenda; socialists could honestly say that they would benefit from democracy by lottery no more than anyone else. To a populace fed up with political devils getting their pants off this absence of flimflam would come as a relief. Democracy by lottery is socialism's missing ingredient.

A Place for Politicians?

In a May 29, 2018, *Jacobin* article, Tom Malleson proposes transforming the Senate into a permanent sortition chamber. This mini-public would operate alongside of the House of Representatives, resulting in a bicameral sortition-election system. Other proponents of democracy by lot have called for such a hybrid arrangement. Wright joins John Gastil to make this argument, in fact; in their plan, each chamber would have equal power to initiate legislation and approve or deny bills arising from the other. They justify retaining elected politicians on three grounds: Firstly, they (like Hipskind) fear that the loss of party politics would deny popular classes the chance to mobilize, rendering them even more powerless than before. Relatedly, they assert the existence of conflicts of interests that require committed partisans to take up their mantle. A sortition chamber, they believe, is designed for disinterested deliberation, not productive conflict; they point to successful legislation that's arisen out of the current adversarial approach. Finally, they argue that the electoral system discovers and cultivates valuable political leadership, which would vanish under democracy by lot.

These virtues rest on a fantasy. As Brett Hennig, founder of the advocacy group Sortition

Foundation, points out in *Legislature by Lot*, collective bargaining works only in certain arrangements (like Sweden's between capitalists, unions, and the state). In reality, the adversarial approach of party politics all too often produces stupid, unscrupulous results. Maintaining an elected chamber "preserves horse-trading, pork-barrel politics, and illusory zero-sum battles," he reminds us. Parties would keep hashing out "compromises" in which each side gets amendments that benefit their group, but hurt society as a whole. Meanwhile, corporations and big money could still to buy off officeholders. And the permanent campaign mode would continue to poison legislators with perverse incentives.

In the same volume, Terrill Bouricius rebuts the purported benefit of political leaders with what we all know to be true: Elections are popularity contests by and large, infantilizing citizens by encouraging them to suspend judgment in favor of emotional attachments. Most candidates win through a combination of ambition, charisma, and narcissism—precisely the opposite qualities that make for effective leadership. "Elections tend to advance ego-driven men (meaning males) who are ill suited for the give-and-take of deliberation," he relates. They feed the myth of meritocracy, purporting to elevate those individuals best fit for office. Most of the time, they just reward elites already positioned to win: party hacks, media sensations, and the occasional demagogue. Meanwhile, the lion's share of policy expertise resides in staff and bureaucrats, not the politicians themselves. The latter spend inordinate time consulting fundraisers and public relations advisers—not experts.

Moreover, the elected chamber would pose an ongoing threat to the sortition one. Politicians would continue to hog the media spotlight and front load only those issues that would help them win re-election. They would have every incentive to delegitimate the sortition chamber and kill its legislative proposals. "Portraying themselves as champions for their constituents, the elected leaders would likely play the 'natural aristocracy' card," Bouricius predicts. "The sortition chamber could be dismissed as, say, a random gaggle of dishwashers and hairdressers unaccountable because they never have to face the public in an election."

Meanwhile, a unicameral legislature would be impracticable under sortition. Work would fall to committees and subcommittees, breaking down the representativeness of the mini-public. The lack of checks and balances would increase systemic error, too—allowing the same people to propose, draft, and approve legislation breeds unaccountability and cognitive bias.

Bouricius advocates using what he terms "multi-body democracy by lottery." He breaks up the journey of a law into stages, assigning each stage to a separate Citizens' Assembly charged with a unique function. As for the executive branch, he calls for replacing elections with a search process led by a unique Citizens' Assembly. This reform would clip the imperial wings of the presidency, revisioning the office as purely administrative (akin to the city manager role that the Progressive movement promoted). Plato knew that philosophers make for the best rulers but will never seek power, out of fear of corruption. With that in mind, the Citizens' Assembly would conduct a vetting process to select the heads of various executive departments and agencies, people at once highly qualified, yet who do not proactively seek the job.

A standing Citizens' Assembly could also exercise oversight of the executive, evaluating her performance and removing incompetent or abusive office holders. To avoid conflicts of interest, the members of the assembly who remove an executive or agency head would subsequently dissolve, and a fresh one would convene to find a replacement. In an August 2016 article for *Dissident Voice*, Simon Threlkeld proposes a similar system for appointing judges (although jurists could also be chosen by lottery). We can imagine applying it to other public servant positions, too, such as commissioners, regulatory chairs, and district attorneys. The beauty of this approach is that it preserves and enhances the benefits of civil servants and bureaucrats. Diplomats, policy wonks, and

professional staff could serve the government free of partisanship, while also being placed under close democratic scrutiny to prevent technocratic capture.

However democracy by lottery gets implemented, it is bound to improve on the gridlock and dysfunction that plagues our current constitutional order. In considering it, we shouldn't ask "Would this be perfect?" We must ask instead, "Would this be better?" And the answer, resoundingly, is yes.

From Here to There

Picture a day in the not-too-distant future when a letter arrives in the mail: "Congratulations," it reads. "You have been selected to serve our community in government." How would you feel? Fortunately, we don't have to guess. Participants in Citizens' Assemblies come away from the experience with an overwhelmingly positive response. As with jury duty, the vast majority recognize the gravity of the issues at stake, take their responsibilities seriously, and modulate the occasional loon in the group. The arguments leveled against letting "commoners" make decisions—"they're ignorant, they're irrational, they're easily manipulated!"—are precisely those once made against giving the vote to African Americans, women, and even propertyless white men. They were wrong then, and they are wrong now. Treat people like adults and they will behave like ones.

But how do we get there? Here, socialists face their perennial, bedeviling choice: reform or rupture? The latter seems unavoidable. The architecture sketched out would involve structural changes, obviously. The Constitution's most significant alterations—like its original framing—came about only because of what Lincoln called a "remorseless, revolutionary struggle." And the 13th, 14th, and 15th Amendments didn't even touch the system's fundamental mechanism; they merely expanded its application. Can we hope for any other context or avenue for the return of democracy by lot? Or is waiting (even working) for upheaval our only option?

On the one hand, we might adopt an approach akin to Michael Harrington's "visionary gradualism." This avenue begins with introducing Citizens' Assemblies in an incremental but steady fashion on the local level. Here, proponents stand a chance of getting government officials to produce one-off Citizens' Assemblies. Zoning, development, or traffic problems make for prime issues to address. These topics don't involve contentious moral questions but often founder on an impasse, with no popular options presenting themselves. In this situation, activists can pitch a Citizens' Assembly as a boon to legislators, framing it as a complementary process that relieves them of a thankless task. As these assemblies rack up successes, an advocacy campaign could build on the public's enthusiasm for more. Eventually, allotted bodies could replace city councils and become permanent institutions. They might function in an advisory capacity at first. But over time, the populace could push legislatures to give them more authority, achieving an eventual transformation.

Incremental reforms will only go so far, though. The establishment will inevitably seek to minimize the power of deliberative Citizens' Assemblies. In light of this resistance, proponents will have to force the issue at some point. To borrow from Lincoln, a crisis must be reached and passed. If not, the poisonous situation will continue to rack up disasters and disaffection. Advocates should therefore forge a parallel approach, one that targets states in which to replace the elected legislature with a permanent allotted assembly. This effort could demand a citizens' initiative that, if passed, would institute the new Citizens' Assembly and remove the politicians. It would employ the tactics of direct action and mass mobilization, compelling the underlying conflict to come to a head.

Today's left can and should build a future in which Citizens' Assemblies operate at every level and branch of government, across multiple bodies, and even internationally. Tens of thousands of people would receive the call to serve in some capacity, at some point in their lives. And everyone could participate in the dynamics of civil discourse. We may never see the complete abolition of elected

chambers. Monarchs endure in several liberal democracies to this day. But like them, politicians could become figureheads—vestigial organs of a more primitive stage. As an essentially neutral process, democracy by lottery does not give preference to any political viewpoint. But as Wright concludes, an allotted legislature "should prove more capable than an elected one at reforming capitalism, as well as potentially pursuing a trajectory beyond capitalism." Leftists (like all political groups) believe that if they can just get a fair hearing before the masses, and those masses exercise sovereignty, the people will naturally follow them.

Democracy by lottery gives socialists that chance; they ought to be first in line to make it a reality. If they can't see its beneficial potential, who will?