

Direct Democracy and Sortition

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▶ **To cite this version:**

Gil Delannoi. Direct Democracy and Sortition. Research Programme on sortition, CEVIPOF, Sciences Po, Oct 2011, Paris, France. 97 p. hal-03773859

HAL Id: hal-03773859
https://sciencespo.hal.science/hal-03773859

Submitted on 9 Sep 2022

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Direct Democracy and Sortition

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Les Cahiers du CEVIPOF

Avril 2012, n° **56**

SciencesPo. Paris | CEVIPOF CNRS

DIRECT DEMOCRACY AND SORTITION

CONFERENCE, PARIS, CEVIPOF, OCTOBER 6TH-7TH 2011

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These papers were presented during the first session of the Research Programme on sortition funded by Sciences Po and held at the CEVIPOF in October 2011. This session was organised by Gil Delannoi, one of the organisers of the Programme. The other two organisers are Oliver Dowlen and Peter Stone. The second session was held in November 2011 and the third in May 2012. A fourth session will be held in October 2012. More are planned.

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ON SEVERAL KINDS OF DEMOCRACY

GIL DELANNOI

This draft paper is a reflection on the kinds of democracy, their number, their definition and their connection. One of its aims is to discuss whether sortition is a kind of democracy.

Including a reflection on the primitive, secondary and alternative forms of democracy

In search of new combinations

This mysterious subtitle is not so surprising. Certain forms of democracy can be deemed primitive for at least two reasons. They are the first historical forms and that is the reason why some hold them simplistic, obsolete, and even barbaric. Primitive then means primordial and bygone. This modernist approach remains to be discussed. I will use the word « primitive », even though I know such forms are often disregarded nowadays, because I wish to tackle that implication of irrelevance.

Other forms are secondary forms. Historically, secondary should be understood as a second stage. “Secondary” also means, by contrast with the primitive forms, that the modern forms are less related to the original meaning of democracy, which was practised before modern times and is clearly visible in the etymology.

Those forms are alternative forms because the secondary forms were substituted to the primitive in theory as well as in practice. It is true that these forms have barely been implemented together. I am not interested here in explaining this incompatibility, either substantial or contingent. I limit myself to positing that there is

no fundamental incompatibility between the primitive and the secondary forms. The dearth of historical evidence should not be taken as a proof of incompatibility.

Be that as it may, changes in the opposite direction might be expected. It may be assumed today that the negative dialectics of so-called incompatible forms has come to an end. Against this new backdrop, the different forms might be mixed up to an unprecedented point. The combination seems feasible, provided the endeavour is appropriate to the different orders of magnitude in the different spheres of activity.

The primitive forms must not be reduced to the experience of the Ancient republics. The shining Athenian example should not become an obsession. It would be more valuable to consider the primitive forms as a protracted prehistory of modern democratic ideas. This long prehistoric age of frail democracies was at once vindicated and blurred by the establishment of modern liberal democracies, so that the etymological meaning expanded and weakened at the same time. The secondary forms were defined through experiments conducted in the name of democracy but, in fact, had much more to do with creating societies of political equals than with promoting material equality. Far from disappearing in the wake of the new political order, the competition for wealth took a more restless and individualistic turn.

In any event, after 2000 years of intermittent practice, it was not possible to erase the primitive forms. They were just left aside, surviving in the etymology of democracy and the great works of Aristotle and Montesquieu. By simply observing the facts, it is not difficult to conclude that the primitive forms evidently consist in the practice of direct democracy and the random selection of most officials (or sortition), at least as defined in accordance with our present wording of politics.

Any attempt to put the ancient forms into practice makes for a direct conception of democracy. It should suffice to recall that in certain ancient city-states, in medieval

towns, and in other small republics it was usual to convene a popular assembly of equal citizens. Though such regimes were not always fully democratic, they presented a stark contrast with the more dominant form of larger societies based on fixed hierarchies of social orders, castes, clans, or dynasties.

Along the lines of the primitive forms, democracy is always more direct than indirect. Self-government matters more than the question of legitimacy and popular consent to a present order. No representative procedure interferes in the relation of the body politic and the government. The equation of direct democracy is rather simple: one people + laws + procedures = collective decisions. In such regimes sortition is, in most cases, as usual as voting.

The most crucial features of the primitive model disappeared from modern democratic regimes, with the exception of the popular army based on mandatory service. Sortition survived for this reason as a means to implement a military draft. However, armies made up of citizens are receding today.

A common point to all the forms is the definition of the people as one body politic. The primitive forms favoured the popular assembly, the direct election of the leaders, and the use of referendum, which are all procedures that circumvent representation. At first sight, the Athenian Boulè may be mistaken for a representative body and, as a body selected by sortition, it was certainly representative in terms of descriptive representation. Several of the tasks nowadays carried out by a legislature were also performed by the Athenian Council of 500. Yet, with all the big decisions to be discussed and voted by the full body of citizens, there is no way of arguing that the Boulè resembled a modern assembly of representatives.

It should be noted in passing that a profound relativity stems from the two different standpoints defined by the Ancient and Modern approaches. From the “primitive” standpoint, our present regimes are mere oligarchies adorned with a somewhat

democratic legitimacy. From the “secondary” standpoint, the regimes based on the primitive forms were restricted democracies, in which the actual practice was reduced to a small group of men. In fact, it would be preferable to conclude that we only know two ways of being imperfectly democratic, namely the Ancient and the Modern. This would be an excellent starting-point for further combinations of the different forms.

By all means, in theory as in practice, it may be reasonably assumed that the addition of direct democracy and universal suffrage makes for the most democratic regime. At least if the words accurately convey their meaning. There are valuable critiques to be made against direct democracy but it is untenable and hypocritical to make them in the name of democracy. These are arguments against democracy. Judging that, as is often pointed out, direct democracy is not “democratic” is making an inconsistent statement. Plato did not resort to such semantic deception.

The principal features of the primitive forms are: first, laws passed by the whole body politic; second, a broad use of sortition. Sortition is used in every branch of government, namely the judicial, the legislative, and the executive. The direct nature of voting and the involvement of citizens by sortition are the most striking aspects of the primitive forms.

The principal features of the secondary forms are: first, representative democracy, which means the existence of representatives at each level of the political process and in every sphere of activity; second, the extension of the suffrage to all adults. Representative democracy, insofar as it is compared with direct democracy, should be called indirect.

Soon after their beginning, the new democracies proclaimed universal suffrage for men. It took 59 more years for this to happen in France, from 1789 to 1848. At a slower pace, it took more than one hundred years to include women in the body

politic at last. What must have seemed to be slow progress to the militants at the time nonetheless remains an historic and rather strong achievement worth celebrating. The inclusive game is not over, if we consider the ongoing debate about voting rights for foreign residents.

Another form of political democracy could be defined as a constitutional and judicial form. According to this definition the independence of judges and tribunals is more important than universal suffrage or the question of whether democracy should be direct or indirect. Once again historical comparisons are complicated. Respect and protection for the constitution existed in Athens. And there were no professional judges, which is another possible way of enforcing the independence of the judicial branch. I will not refer to that form hereafter.

The indirect form calls for the representation of the citizens. The direct form calls for their participation. Real combinations of both forms exist nowadays but remain an exception. The prominent cases are Switzerland and California, California being no sovereign state notwithstanding. And since we are living in an age of indirect democracy, as soon as a regime contains a large proportion of direct democracy, it is no wonder that this regime is viewed as a direct democracy. We may accept this shortcut. In other words, owing to the practice of sortition, Ancient Athens' regime was direct and somewhat more than direct, because it was highly participative and primitive, in accordance with our criteria, whereas Switzerland is less indirect than most present democracies, but still indirect as well as direct, since the Bern parliament plays an important role in the Swiss political system. What is evident is that, as understood in contemporary political semantics, Athens and Switzerland are more direct than indirect regimes. That is a tolerable simplification.

(In passing, it is worth keeping in mind that we should not look at Athenian sortition from the limited point of view of contemporary participatory democracy. The numerous Athenian citizens selected by sortition seldom performed a task as

important as the work of a legislature in an indirect democracy. In Athens, direct democracy prevailed over sortition as well as over any kind of indirect democracy, since the complete Body Politic did pass the laws in the popular assembly. Though sortition was utilized in all the branches of government, it was by no means more important than the equivalent of what we would call today direct democracy).

A representation is descriptive when it corresponds accurately to the composition of the represented population. In that case, the representatives have been mainly *chosen from among* the population.

By contrast, a representation is active when it is supposed to act on behalf of the population who elected its members, even if it is not at all descriptive. Just as a lawyer does not resemble the person whose interests are to be defended, the representatives act in the name of the people without resembling the people. Whether descriptive or not, this representation is to act, because it has been *chosen by* the population. Although the representatives often belong to the citizenry, the fact that they are chosen from among the people, is not important to the theory of representation. Outside the political sphere, representation by “aliens” is not unusual, because the basis of active representation is trust and will, not resemblance or belonging. Representation, in that sense, does not work as a sample, but as the expression of a will. Even if these two conceptions can be mixed, they seldom coincide. In the history of representative democracy, they have never coincided at the level of sovereign state.

There are, broadly speaking, three kinds of democracy. The direct kind (DD), the indirect (ID) and sortition (SO). Should the latter be called sortive democracy?

It should be noted that representative democracy and sortition are not only kinds of democracy. They may be applied outside the political sphere in many processes which are not democratic. Direct democracy is more political in essence, though it is

sometimes applied for less political purposes, especially on a small scale. Whatever this possible extension, the most familiar procedures in the economic, judicial and academic spheres are the market, representation and co-option. As a kind of democracy, sortition is potentially compatible with the two other kinds of democracy. In some respects, it also runs contrary to them. For example, sortition used through sampling as a means for descriptive representation often does not comply with the requirements of the usual practice of active representation. The other way round, active representation is often used as a means of avoiding descriptive representation.

I would like to make a short digression about a commonsensical manner to distinguish between political forms of democracy. “Not having one’s say” is absence of democracy. “Having one’s say” through the election of representatives and a potential political militancy between the elections is indirect democracy. In such a system, a people is sovereign on voting days and more or less reactive in between. In direct democracy, a people always “have the last word”, which means always in theory and more or less in practice.

It is difficult to situate sortition on this scale. Basically, sortition cannot be equated with equal chances, since a lottery may be weighted, either for good or bad reasons. It suffices to state that sortition in general makes for the equalization of chances.

“Having the last word” has little to do with the possibility of “speaking first”. Therefore the fact of granting the people “the first word” is not implied in the usual definition of direct democracy. “Having the first word” in terms of legislation calls for a democracy based on popular initiative, which is a minor branch of direct democracy. A conception of initiative within an indirect democracy exists through the right to petition. Its impact is considerably smaller than the right to put forward initiatives in a direct democracy. What is peculiar to the definion of a type of direct democracy is

the people's right to design initiatives, either against a law already passed by the legislature or as a guideline for a future legislation.

For a clear understanding of direct democracy, it is necessary to distinguish between different types of ballot. A plebiscite is a procedure which grants exceptional powers to one person. It is usually linked to an authoritarian regime. A referendum is a rare and solemn procedure, a way of resorting to the people's will in exceptional cases, mainly constitutional matters. Though most referendums are ratifications, the procedure is sometimes used as a starting-point for further legislation. As a ratification procedure, it almost always comes down to a "yes or no". In most cases, a referendum only deals with one question. As long as it is seldom used, the referendum must be characterized as a last resort to direct democracy in the context of an indirect democracy. That is precisely the etymological meaning. A referendum is usually a question of consent or censure by the people.

I will borrow here the word "votation" from the Swiss system in order to define the typical use of a referendum in a direct democracy. A "votation" has not much in common with a referendum. "Votations" are frequent. They are substantial, since they concern the contents of the laws or at least substantial projects. Votations are not indirect ways to censure a government, as is sometimes the case with referendums. Since different votations are fixed the same day, the different questions do not coincide in terms of political cleavages. The upshot is that they are not easily reduced to a confrontation of party affiliations. The decision about legislative substance tends therefore to prevail over any other consideration. Moreover, votations are put in practice at different levels, namely the local, the provincial (cantonal in Switzerland) and the national.

"Initiative democracy" is the idea of petition extended to the level of direct democracy. It consists in the people's right to put an initiative on a ballot by a qualified petition. In that sense, it gives minorities a right to have a say about the

political agenda. An initiative may perform two very different functions. The first is the possibility of calling for the rejection of a law passed by the legislature. Such an initiative leads to a referendum (as defined previously). It is a type of popular censure which works as a guarantee of the people's possible « last word » on every law. When such a procedure is aimed at the removal of officials before their terms expire, this ballot is a recall. Conversely, the second function is linked to the principle of a "first word". This is a petition which proposes a new element of law, either as a suggestion of legislation to the legislature or as an addition of a new principle of law which could only be suppressed by another referendum or another initiative.

The popular initiative seems to work well in Switzerland today but it is deemed dysfunctional by many in California. The initiative is an extreme form of direct democracy insofar as it deprives the political elite of the political agenda. It remains nonetheless compatible with indirect democracy, whenever the initiative is disconnected from the popular vote and does not lead automatically to a referendum. As a means for making political proposals, it remains beyond the control of the representative body. A popular initiative may work within the framework of an indirect democracy, although its principle is not akin to the spirit of representation. Under these limited conditions, there is no big obstacle to its introduction at every level of politics: the local, provincial, national or the European (EU) level.

Indirect democracy usually demands a representation that is far more active than descriptive. A people are only sovereign one or two days a year, a reality that Rousseau deplored and Schumpeter relished. In an indirect democracy, the legislature and the government are the only real players. The entities which remain politically active between the elections are parties, unions, and all the other sorts of pressure-groups. They are mainly active through petitions, public gatherings, demonstrations, and lobbying.

The legislature of an indirect democracy is poorly descriptive. Improvements in descriptive representation are in most cases achieved by setting new and constraining rules. For example, political parties could be obliged to propose one man and one woman in turn on the lists of a proportional vote, a device which will bring the results close to parity of gender in the legislature. The same goal could be met with tickets presenting one man and one woman instead of only one individual when the ballot is based on a constituency. The result would show perfect parity.

It would also be possible to split up the electorate into two sections based on gender. The women would elect female representatives and the men elect male ones. The outcome would be strict parity in the legislature if an equal number of seats are attributed to each electorate. That would be a rather organic conception of political representation.

When seen alongside direct and indirect democracy, sortition cannot be reduced to one or the other and therefore must be considered as a third kind. Its order of magnitude ranges from the micro to the macro level. As a practical and theoretical device, sortition stands as a potential tool in every sphere of human activity. As a means for electing, it could be utilized in every branch of government: in the judicial to constitute juries, in the legislative to constitute assemblies, and in the executive to perform tasks military or political.

Our present inquiry must be directed towards new practical perspectives. Provided the sampling is sufficiently broad, sortition achieves a highly descriptive representation. A sample of 5,000 citizens would be descriptive in France. On average sortition makes for a more descriptive representation than indirect democracy does. This potential opens up a comparative field with indirect democracy.

Since sortition in most cases is a way of treating the individuals of a pool as perfectly equal members, this fact opens up another comparative field with direct democracy. One big difference is that sortition includes all citizens in a passive manner, whereas direct democracy engages them in a common political act. In most cases, only a minority is selected by sortition, whereas a majority of the people are involved in a referendum.

As for participation, sortition may be utilised as an incentive or as a constraint. To produce these effects it must be decided whether the selection is a mandatory one or not. In many respects, sortition is as flexible as voting, and perhaps more so in fact. Against all democratic appearances, using sortition after a strong qualification of the pool is as elitist as many types of indirect democracy.

Qualification for the use of sortition may be *ex ante* or *ex post*. It may be applied to narrow the pool (ex ante) or to perform a selection (ex post) from among the people who have been elected by lot. If the qualification is left to the individuals belonging to the larger possible pool, this right to deem oneself qualified is equivalent to a candidacy. Degrees of involvement in sortition can also be determined by the possibility of refusing the selection once it has been made.

Any process must be curtailed to the task: the qualification will be different when it comes to selecting professors, judges, experts, citizens or militants. The sole use which does not imply a qualification is sortition on the basis of universal suffrage. It should nevertheless be reminded that voting also requires a qualification. Convicts, for example, are usually deprived of their voting rights.

The aims of sortition are more diverse than those of a vote. I distinguish, on one hand, a neutralizing use, whose main targets are the abuse of power and all forms of intrigue, and on the other hand, a democratic or equalizing use, whose targets are a high degree of participation and empowerment.

The different possible scales also play an important role. When sortition is practiced within a small group (in a committee or a representative body), it is democratic at this micro level but has no impact on the oligarchic nature of the group.

Sortition has a political but also a social and economic potential. It may enhance consultative, deliberative, executive or allocative functions.

Sortition will remain aristocratic or meritocratic when applied within a highly qualified population because its egalitarian effect will be strictly curtailed. This consequence does not prevent sortition from having a great democratic impact at its own level. It will be all the more democratic when applied to a citizenry defined on the basis of universal suffrage. Moreover, its use may be exclusive or mixed. Beyond all those differences, I would like to sum up the effects and reasons of sortition in one phrase: impartiality, equality, serenity. <NOTE see Esprit, Août-Septembre 2011.>

The most democratic kind of regime is the one based on direct initiatives, since the people are granted the first and the last word at any moment of the political life. For the same reason, this is a system liable to be corrupted by demagoguery or special interests. Before devising any new system, we should never forget that every kind of democracy, either the direct or the indirect, the elective or the randomly selected, carry advantages and defects and bring about unintended consequences.

At first sight, sortition is a procedure comparable to voting. Voting does not make for a specific kind of democracy. Voting is a procedure used differently in any kind of democracy. For historical and theoretical reasons as well, it seems relevant to conclude that sortition calls for a different treatment. Even if sortition might play an additional role in direct and indirect democracy, it also deserves to be presented as a kind of democracy as such. Supposing that this theoretical point is admitted, it

remains that such a form has no name assigned to it. Since sortition is not always democratic, it should be assumed that something like “democratic sortition” or “sortive democracy” has to be coined.

Provisional conclusions

There are three kinds of democracy: indirect democracy, direct democracy, and sortition.

Each kind must be subdivided in two types.

The first type of indirect democracy sums up a system in which the parliament is the prevailing institution. UK and Germany are contemporary examples.

The second type is a mixed form usually devised as a check and balances between the different branches (the US system) or as a system in which the executive branch of the legislative may alternatively prevail (France).

The first type of direct democracy is a system giving the “last word” to the people. Any law should or may be submitted to the people’s approval.

The second type is an initiative democracy in which the ‘first word” is also a prerogative of the people.

The first type of sortition is characterized by a strong emphasis on equalizing procedures.

The second type is more focused on neutralization of the procedures.

All the different types adjust on some points and are incompatible on other points. For example, sortition is sometimes more representative and sometimes less representative than indirect democracy.

Sortition is sometimes more egalitarian and sometimes less egalitarian than direct democracy.

It should also be noted that each kind of democracy can deviate from its ideal type.

SORTITION AND CONTEMPORARY DEMOCRACY

LAURENCE MOREL

What is sortition? When and why has it been practiced in the political sphere? How does it differ from other mechanisms of political recruitment, especially election? To what extent and under what conditions can sortition be democratic, and how does sortition democracy relate to direct and representative democracy? Is the recruitment of political elites through sortition compatible with good government? How could sortition be a valid adjunct to contemporary representative democracies? These are the main issues raised in this oral presentation, which is intended as a series of preliminary thoughts on the topic.

1. WHAT IS SORTITION?

A. A mechanism for selecting alternatives

1. Randomly

In that sense, it is the opposite of a choice.

2. Two kinds of alternatives

a. People (for the attribution of goods: typically positions or resources)

b. Policies

Sortition, like election, is not a mechanism limited to the political sphere.

B. Sortition in the Political Sphere

1. Athens and Florence

Historically, sortition was used mainly to select individuals for positions

Two well-known main experiences:

a. Athens

Sortition was only one of the mechanisms for selecting individuals for positions. The other was election.

Sortition was regarded as democratic

Election was regarded as aristocratic (see Manin)

Why was sortition regarded as democratic? Because it gives everybody an equal chance of being selected, while election favours an elite, "the best" (*aristos*), thus is meritocratic.

Thus, sortition was adopted for the selection of most positions (executive positions: "honors", "magistracies"; judiciary positions: popular juries), generally among citizens who were candidates; while election was restricted to a few positions, albeit the most important (e.g. generals), for which special skills were required.

On the other hand, in Athens, functions which could be exercised collectively (typically the legislative function), were in the hands of the "ecclesia", i.e. the assembly of citizens (= direct democracy).

So, on the whole, Athens was a combination of sortition democracy* and direct democracy, with an adjunct of representative, electoral democracy.

* See section II/B/3 for use of this expression.

b. Florence

Sortition was less open than in Athens: it operated among selected people (especially members of corporations).

Moreover, in Florence, more positions were filled through election.

Sortition was adopted to solve the endless and often violent conflicts surrounding selection for public appointments (while in Athens it was more in the name of democracy)

So, Florence was also a mixed regime combining the three systems, but with a balance more favourable to representative democracy (Leonardo Bruni, *On the Florentine Constitution*).

2. The Rarity of Sortition

These two experiences are unique cases of a broad use of sortition. Why is sortition so rare in the political sphere? Because it is feared, like direct democracy, in so far as it is a system by which anyone might gain access to power. It is also feared when restricted to a subset of people, for it does not allow any control or predictability on who will be selected to a post.

Other mechanisms for political recruitment have been preferred:

- heredity
- nomination
- cooptation
- election

NB: what heredity and sortition have in common is that there is no choice involved (contrary to nomination, cooptation and election). But they differ in so far as with heredity, the person is designated by the rule (accepted or imposed), while with sortition, she/he is designated by chance. So, of course they are diametrically opposed with regard to the most important aspect: the chances of being selected.

Nomination (or cooptation) and election, on the other hand, include a choice. In practice they are not radically different since the only difference is the number of people involved in choosing the holders of positions: in the case of nomination, one person or a few persons; in the case of election, a collective body of persons. Thus there can even be an intersection (when the nomination is collective: but the process is often less formalized than for an election, and often requires unanimity).

Election usually involvesequal participation in the selection, in the sense of equal weight forthose entitled to elect, i.e. the electorate. But neither is it necessaryarily nor always the case historically (the first representative democracies sometimes granted several votes to the richest: e.g. England and France – during the Restoration - in the 19th century). Moreover, election does not necessarily give equal opportunity to participate to all citizens (restricted suffrage).

In practice, election with equality of participation in the selection of rulers (universal suffrage) and equal weight in this selection (one man/one vote) has been the maximum “concession” to the principle of political equality.

Why? Because election would allow some sort of “filter”, or “safeguard” in this selection, in so far as it favours an elite. This is not the case with sortition. Such a

filter has been regarded as necessary by the inventors of representative government, in view of the problems of competence and the tyranny of the majority (see e.g. Locke, or The Federalist).

In conclusion, sortition has been experienced only in a few particular contexts in which it was regarded as the most democratic system for the recruitment of rulers.

But what exactly are the links between sortition and democracy?

2. IS SORTITION A FORM OF DEMOCRACY?

A. Sortition is not Democratic in Essence

1. It "only" Represents Equal Opportunity

a. What is Democracy?

Democracy means equal participation: all citizens have the same share of power, all participate equally. It is synonymous with political equality.

With a distinction between direct and representative democracy:

- direct democracy is equality of participation in government
- representative democracy is equality of participation in the selection of rulers

Some political scientists believe that the selection of rulers provides for participation in government, through the choice of people and the process of accountability. Hence the use of the expression "indirect democracy" rather than "representative democracy" (e.g. Przeworski &Manin; Schmitter).

Others believe that people have no influence at all on government through elections (Rousseau or, with very different premises and conclusions, Schumpeter).

Whatever the position maintained, there is no doubt that there is, in representative democracy, a component of equal, universal, participation, which does not exist in sortition.

b. What is Sortition?

Sortition does not mean equal participation, it 'only' represents equal opportuntiy to participate (in government).

At the end, only a few individuals participate in government, contrarily to direct democracy. Admittedly, also in representative democracy only a few participate, but a crucial difference is that in representative democracy everybody participates in the selection of rulers, while with sortition nobody participates. Thus, there is no way for the people to influence policies through the choice and accountability of rulers. This is an important difference, even if one believes that choosing the rulers gives people very little power over policies.

In conclusion, it is true that sortition allows anybody to gain power, but it only gives power to somebody, and does not allow any popular control over this "somebody" (although the "*reddition des comptes"* in Athens was a process by which both randomly selected and elected people were held accountable). Thus, sortition might be regarded as a requisite of democracy, since equal opportunity to participate is an essential complement of the formal right to participate (Dahl), but it is not, strictly speaking, democratic.

2. However, sortition might be "better" than democracy if only minority government is possible

However, it might be argued that in practice, only "government by the few" is possible. And the discrepancy between the democratic ideal and democracy in practice would come precisely from the absence of a true equality of opportunity.

In other words, everybody might have the right to participate (in government or in elections), but, because of inequalities, not all would participate and those who formally participate would in any case be manipulated by a minority. This is where the Marxist and the elitist view meet.

With sortition, it is also a minority which governs, but at least this minority is selected randomly: this means that there is equal opportunity to be part of the governing minority.

Thus, in the end, sortition might be regarded as better than democracy if the latter is impossible. Better, not more democratic. Better, in the name of equality, since equal opportunity is something more than equal rights.

B. Sortition can be democratic (with some adjuncts)

However, sortition might also become democratic if accompanied by some modalities.

1. Sortition with frequent rotation: diachronic equality

This was the system in Athens. All randomly selected appointments were very frequently renewed (this was true also of elected appointments). In other words, there turnover was high. In this way, everybody was almost bound to occupy a public position one day or another. As Aristotle wrote, in a democracy, “everybody is alternately ruler and ruled”. In fact, every citizen was likely to be a member of a popular court, one day or another or to be a magistrate for a period.

So, when sortition is combined with frequent rotation of appointments (FRA), not only anybody may govern: everybody will. The equality of participation, which is missing in sortition alone, is introduced over time. This is diachronic equality. That is, in the long run, everybody will have had the same share of power. Sortition therefore becomes reconciled with democracy. Almost. A succession of decisions by a randomly selected official might not be the same as a succession of decisions made by an elected official who is necessarily conscious of the need to please voters. Moreover, the amount of power effectively held by the official will depend on the period when they are in power: when political action is inhibited by certain factors, such as war or any other type of crisis, officials have less power than during periods of high “governability”. But sortition with frequent rotation might nevertheless be regarded as a close approximation of direct democracy.

However, this can work only if the number of appointments provided through sortition are numerous: if not, there is no chance that everybody, or at least every “kind” of person, will occupy a position one day or another. Thus for example, if sortition had been the mechanism for recruiting generals in Athens, this does not mean that every citizen would have been a general one day or another. Anybody could have, but not everybody would have.

2. Sortition as a Sampling Technique: Synchronic Equality

Modern statistics have discovered that sortition can also bring about a situation very close to direct democracy through the technique of the "representative sample". A necessary condition however is that the randomly selected body is large enough. It must represent a certain proportion of the randomly selected population. If the body is too small, the sample will not be representative. So, also note here that this case is relevant only for the use of sortition to recruit a collective body.

Thus sortition is able to produce a "mini-populus" (Dahl). In that way, equality of participation, which is missing in sortition alone, is introduced through space. This is synchronic equality. As just indicated, we are here very close to direct democracy.

It should be noted however that sortition is not absolutely necessary here. It could be replaced with another technique for creating a representative sample (e.g. the quota method). Sortition is only one technique among others. It might, however, be preferred because of its impartiality.

3. "Quasi-direct democracy"

In conclusion, it appears that sortition, with the help of some adjuncts, might become "sortition democracy". Is it a separate type of democracy, just as direct and representative democracy are two separate types (direct and indirect participation)? Not really: it is in its essence very close to direct democracy, as it approximates direct participation. Thus, in terms of democratic quality, it is also much closer to direct democracy than representative democracy. It might be called "quasi-direct democracy" (QDD).

But the question now is: is it worth using it? And is it feasible?

C. Direct, Representative, Sortation Democracy

To answer these two questions, one has to look separately at two very different types of recruitment.

1. Selection for Positions

Here, direct democracy is structurally impossible: incumbents are single-persons or small bodies, thus not all can participate.

Sortition with FRA might appear to be very close to direct democracy and more democratic than representative democracy (recruitment by election).

However, as mentioned earlier, this is true only if the positions are numerous, so that a high number of people will effectively be able to hold them. Thus, the “direct democracy effect” cannot work with top positions (such as in the national executive). It might be reached in the field of nominations to public employment (which are normally the responsibility of the executive), or to the judiciary.

Thus, election is likely to be more democratic in most cases: it is more elitist than sortition, but at least it allows for some control over those who hold positions.

2. Recruitment of Assemblies

Here, by combining an assembly recruited by means of sortition and frequent rotation, the result might be very close to direct democracy. (FRA is important as it guarantees representativeness across time: it is an antidote to the formation of a political class distinct from the people). And this combination might figure out a sort

of “democratic second best”, or even a “democratic best in practice”, since direct democracy is impossible:

Let us recall the reasons why, according to many, direct democracy would be impossible:

- because of the “physical obstacle” (impossibility of gathering all citizens in an assembly in large communities);
- because of the oligarchic “iron law” (see above): here it should be noted that randomly selected assemblies might solve the problem of participation (by making all participate) but not necessarily the problem of minority influence within the assembly. (Michels)

3. A Mixed Regime?

At this stage, a provisory conclusion, regarding the role of sortition (provisory as it takes only its democratic potentiality into account), would probably be different depending on the type of body which is recruited:

- positions: it is very difficult for sortition, even with FRA, to be democratic; representative democracy (election) is more democratic
- large assemblies: here we can have “quasi-direct democracy”. NB: QDD is different from “semi-direct democracy”, that is, popular decisions without collective elaboration and deliberation of policies (referenda), which should be regarded as less democratic than policies issued by sorted assemblies. QDD is probably the most democratic system which is feasible. In that sense, it is not true that representative, indirect, democracy, is the most democratic way to combine democracy and large states.

To a large extent, this combination of representative democracy and QDD recalls Aristotle’s mixed regime according to which executive functions were provided by

election (to select the best people) and the deliberative function was in the hands of the popular assembly .

However, it is not possible to consider only the democratic quality of sortition to contemplate its introduction: one must also look at its performance in terms of government. We treat this here as a separate problem, although it should be noted that the problem of "good government" is sometimes regarded as the second facet of democracy, that is, government in the interest of the people, or government *for* the people (by contrast with the formal, more common, definition of democracy as the government *by* the people).

3. SORTITION AND "GOOD GOVERNMENT"

A. The Problem

The question here is: can a political system in which rulers are randomly selected produce "good government", in other words, "outputs" (policies, decisions) which are the best possible compromise between various interests?

This mainly depends on two conditions:

First, the level of competence of the randomly selected.

Second, their level of "correctness", or "good will" (I will explain what is intended here below)

This question, of course, is not specific to sortition democracy. It is a classical issue raised both for direct and representative democracy, typically in debate about the respective virtues and defects of the two systems. And a classical, liberal, answer is that representative democracy would be better able to achieve good government, since elected representatives would be more competent and more

"common good-oriented" (being more sensitive to minority rights and individual freedoms).

In so far as it is "quasi-direct democracy", sortition democracy raises roughly the same objections as direct democracy, and, to a large extent, the same answers can be made.

B. Competence

1. Relevance of the Problem

The problem of competence might arise depending on the kind of issues (more or less complex), and also the level of generality of policies (from questions of principle to highly detailed subjects) that have to be decided on. But it is unlikely not to arise at all. In other words, one can reasonably assume that a randomly selected assembly in the whole population (just to take this example) will not always have the required competence to make the political choices that are on the agenda. This is all the more true, it should be noted, if this assembly is frequently renewed: something which helps keep it representative, but also works against the "professionalization", intended as expertise, of the randomly selected.

It is probably true that the problem of competence is more likely to arise in sortition democracy than in representative democracy, that is, that elected representatives are likely to be on average more competent than "ordinary citizens". This does not mean of course that there is not a problem of competence among elected representatives today. But let's accept the current view that they are more competent, be it because candidates are on average more competent (elitist bias of election) or because electors, although not competent to choose policies, are

competent to choose the best rulers (Montesquieu). (NB: even if the problem of competence arises in equal measure for elected representatives and "ordinary citizens", that does not mean that one should not try to solve it in the case of sortition, but simply that sortition is not worse than representative democracy in this respect and might be preferred, ceteris paribus).

Thus, the question is: how to ensure a sufficient level of competence among the randomly selected?

There are two solutions, which are well explained by Delannoi:

2. The Intrinsic Remedy

This consists in acting on the modalities of sortition, in two ways:

First, by restricting the pool to a subset of highly (or reasonably) competent people. Sortition then takes place among people who are all more or less equal in terms of competence**,** and in this case equally highly competent. It should be remembered that sortition works best among equals, that is, among alternatives (here people) who are equally well-suited for selection.

In such a situation, sortition is less democratic certainly, but this is a necessary compromise between democracy and efficiency (a compromise which is familiar to representative democracy).

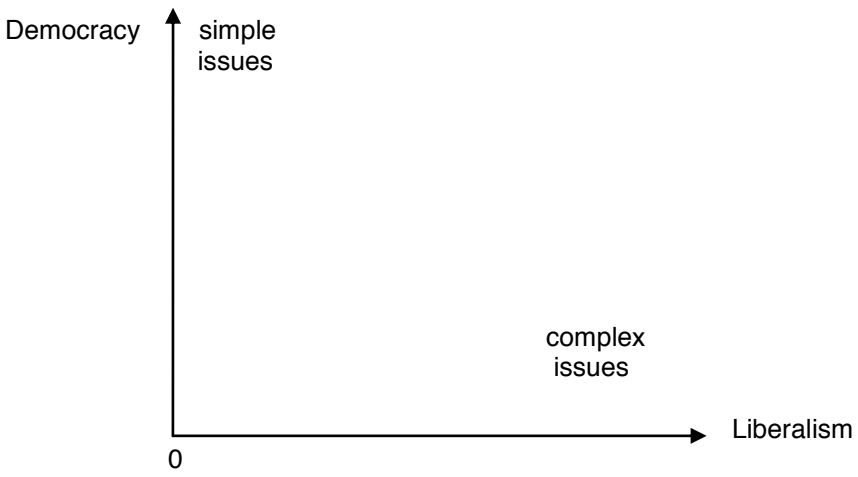
Second, by giving the people the choice of being in the pool or not and/or of accepting the selection or not.

In this instance, sortition is more liberal.

Thus, as one can see, sortition may vary greatly on the two axes of democracy and liberalism, according to its modalities. As Delannoi points out, it may be very

elitist (undemocratic) if people are selected from a very restricted panel (this is simply equal opportunity among the members of an elite); and it may be rather illiberal if people are obliged to be candidates and to accept the selection. Interestingly, Delannoi makes a link between these two dimensions and the complexity of the task to be achieved by the randomly selected (easy tasks: democratic/illiberal – complex tasks: elitist/liberal).

Figure 1. How the democratic and liberal components of sortition may vary in relation to the complexity of issues that randomly-selected people must deal with



3. The Extrinsic Remedy

This simply consists in providing information and knowledge to the randomly selected population so that their level of competence is improved on specific issues.

C. Correctness

1. Definition and Relevance of the Problem

There are three ways in which rulers are classically criticized for deviating from the search for the "best compromise" between interests (be they all minoritarian or not, present or future, human or non-human). The first two occur when they are "minorities-oriented", such as when they are prey to partial interests, or self-oriented (corruption). The third is, conversely, when they are too majority-oriented, in the sense that they do not respect minorities (tyranny of the majority).

It seems here that this problem always arises: while there are issues for which no particular expertise might be required, it is difficult actually to think of an issue which does not require correctness or a high level of correctness. And the problem is that like high levels of competence, high levels of correctness are rare.

Therefore, sortition seems not to be particularly good at selecting "excellent" people. And it is difficult here to think of a remedy, as in the case of competence, since this would involve moral evaluation (for the selection ex-ante of a pool of "virtuous" people), or moral indoctrination (for the ex-post improvement of "correctness").

2. "Better" Rulers versus Responsible Rulers?

Sortition might not be good at selecting "virtuous" people, but it might nonetheless be better at this than elections.

Actually, as Delannoi rightly points out, there is no doubt that sortition eliminates corruption "ex ante". This means that the plots and intrigues which surround the

electoral process in democracies (not to speak of nominations), from the selection of candidates to the campaign and the vote, disappear (although such features might remain during the selection of a subset of people if such a selection occurs; see above). The result is that randomly selected people should be less careerist people. Neither should they be dependent, as in the case of elected representatives, on people who have helped them to come to power, with the result that they are freer to do what they think should be done.

Moreover, the very small probability of being selected a second time through sortition should prevent randomly selected people from being influenced in the way that elected officials can be, by the desire for re-election, and should keep them focused on delivering "good policies". However, it is true that this can also be obtained with election, simply by prohibiting re-election.

Thus, on the whole, although there is nothing in sortition which can prevent corruption "ex-post" (Delannoi), it should nonetheless lead to this result by promoting more virtuous and more independent rulers. This provides a strong argument in favour of sortition democracy, especially for recruitment to positions (where the democratic process might be questionable as seen above).

There still remains however one major problem: better rulers can only be a good thing, but independent rulers present a two-facetted feature, as this may also mean irresponsible rulers. The prospect of running for another mandate is also what makes elected representatives responsive and accountable to the people. This seems to be the unsurpassable superiority of representative democracy. Provided, of course, it works well – which is less than certain in the case of present democracies. Thus in France, just to take this example, there is a sense that the political class is never-changing which is very negatively felt by citizens. In such a context, sortition could definitely be regarded as an all gain option.

Conclusion: Prospects for Sortition

It is not the intent of this exploratory discussion to draw definitive conclusions. But, at least in a provisory manner, it seems possible to envisage that some dose of sortition be introduced profitably into contemporary representative democracies. At the level of appointment to positions, we have seen that sortition is unlikely to be democratic, and that election should probably be preferred. However, the ability of sortition to increase both the correctness and the turnover of elites suggests that this conclusion should be slightly revised. For certain positions (it remains of course to say which ones), sortition among people selected for their competence, together with some means to control them (to make them accountable), might have positive effects. At the level of assemblies (especially legislative assemblies), the advantages of sortition are more obvious: thus a randomly selected assembly with consultative powers could improve both the democratic quality and the governmental quality of the political system as a whole.

In sum, we can only agree here with Delannoi's view that sortition should intervene as a corrective, or a **supplement**, not a substitute to representative democracy – and possibly be first experimented at the local level.

DIRECT DEMOCRACY AND LOTTERY DEMOCRACY – TWO DIFFERENT CONCEPTS?

BARBARA GOODWIN

1. FIRST, AN OVERVIEW OF THE ISSUES

We need first to ask *why* any political critic living in a society which already has a representative democratic system would concern himself with the idea of direct democracy. Surely that was a system specific to the Athens of Plato's time – a system utterly incompatible with the contemporary world of politics[1]? There are, however, many reasons why representative democracy is considered unsatisfactory. The most commonly cited shortcomings are: lack of participation – which is institutionally and practically discouraged: apathy (which may be caused by lack of participative opportunities, or may simply mean that people do not want such opportunities): lack of responsiveness of governments to the wishes of the people: lack of accountability mechanisms, other than general elections, to enforce government probity and responsibility. There are also two structural shortcomings – the fact that the legislature is rarely typical of the population as a whole and the fact that, particularly in a majoritarian democracy like Britain, minorities are systematically under-represented.

[1] Even then it would rarely have happened; it is thought that Athens in its democratic period had 40 000 citizens, of whom about 6,000 would actually attend the agora – probably not all on the same day.

In political discussion, these shortcomings are viewed primarily as applying to national government, i.e. government within one country. (Similar criticisms can be made of supra-national so-called "democracies' such as the European Union, but there the major problem is that the EU's Constitution was never democratic in the first place.) At the national level, most modern democratic societies have constitutions which were *designed to be* democratic, so the shortcomings of these democracies do not arise at the constitutional level, (although there will always be controversies about the relative powers of the legislature, the executive and the judiciary) . The shortcomings generally concern the relationship between the government and the people – the governors and the governed.

2. DEFINITIONS OF DEMOCRACY

The telos of democracy is the achievement of a system in which no-one is subordinate to another individual, all are equally subject to the law and everyone participates in the process of law-making – a consent-based system, in short. Such a system can be described as a system in which "reflexive reciprocity" is the governing principle – the laws I make for others also apply to myself, and vice versa. The Kantian categorical imperative and Rousseau's social contract capture this idea. Democracy outlaws, *a priori*, irresponsible and absolute power, subjection and slavery. No-one should be subjected, without consent, to the (arbitrary) will of another.

But this conception of the goal or telos of democracy (sometimes also referred to as the "spirit of democracy") is too abstract for critical purposes. Before we can evaluate any democratic system (both in theory and in practice) we need a more extensive definition against which we can measure the successes and failures of real, actual democracies. The popular definition, *vox populi* (the voice of the people, the will of the people), is, unfortunately, open to many interpretations when it comes to how constitutions should be constructed and how democratic politics in practice should be conducted. Vox populi' is compatible with both representative democracies and with direct democracies, if taken in two different senses.

A more promising way of defining democracy is to try to elicit the necessary characteristics of a system which makes the people, not the rulers, supreme. The characteristics of a democratic system are, I suggest, the following:

Citizenship: sufficient education to fulfil the role of citizen; participation in politics, or the opportunity to participate; full participation in civil society (economic and social life etc.)

Rights: these include individual rights such as political rights (the vote), freedom of speech, equality under the law, and collective rights such as the right of association (trades unions, political parties, etc.) and freedom of assembly.

Duties: the primary duty is to obey the law; payment of taxes, jury service and conscription are examples of citizens' duties which are prescribed by law, so could be seen as secondary or ancillary duties.

Many modern commentators would add a further characteristic, namely

Rational debate: democratic politics is conducted through reasoned argument, not through bribery, subversion or threats. The better argument wins by force of reason, ideally, not by force[2].

Using this list of necessary characteristics, we can evaluate three varieties of democracy: representative, direct and lottery-based.

3. REPRESENTATIVE DEMOCRACY

In order to explain why a relatively small number of people in a parliament, elected on the basis of vague promises (usually!) and claiming a mandate to govern, can legitimately govern the lives of their fellow citizens, we need a theory of representation which justifies the distinction between the rulers and the ruled. There are four such major theories:

[2] See Albert Weale, *Democracy*, 2nd ed., Palgrave, 2007, pp. 77-100.

- 1. The classic, Burkean theory of representation. Parliamentary representatives are a body of men and women chosen for their superior qualities, who will rationally debate and decide matters for the good of the whole society, not on the basis of partisan interests or prejudice. Most representatives in today's parliaments would justify themselves on Burkean lines[3];
- 2. The delegation theory. Representatives are mandated by their electors and must reflect their constitutuents' views in discussion and decision making. (In Britain an example is the trades union delegates who attend the Trades Union Congress conference and the Labour Party conferences);
- 3. "Typical representation" (also described as mirror or microcosmic representation). The representative is "typical" of some group in society – e.g. a mother typifies the views of all mothers. This is empirically dubious and in practice typical representation is rare, but a quota system might be used to guarantee a fair proportion of women or minority members of parliament. (In post-independence Zimbabwe, white citizens were guaranteed a certain number of parliamentary seats; in Iran, currently, religious minorities are guaranteed seats in parliament[4]);
- 4. Finally, an essentially non-democratic theory: symbolic representation. The Irish President (a non-political though elected post) "represents" Ireland at international events; the Queen "represents" Britain at diplomatic events.

The ideal representative system would be one which blended the first three types of representation – i.e. *wise* representatives who were nevertheless *responsive* to their constituents' wishes and who themselves had *similar* interests and economic and social status to various groups in society [miners' MPs in 1946] – the latter being part of the republican ideal. However, actual representative democracies rarely fulfil more than one of these criteria and indeed the three criteria seem to be in partial contradiction except in very special, unlikely circumstances (i.e. a society of wise, rational and substantially equal voters who all agree).

[3] Edmund Burke, "Speech to the Electors of Bristol", 3 November 1774.
[4] In post-independence Zimbabwe, white citizens were guaranteed a certain number of parliamentary seats. in Iran, currently, religious minorities are guaranteed seats in parliament, *The Times*, 29 September 2011, p. 3.

Much has been written on the shortcomings, both in principle and in practice, of modern representative democracy; this has been one of the spurs for lateral thinkers to reflect on alternatives such as lottery democracy. Those shortcomings were summarised at the start of this paper: low participation rates and apathy; unresponsiveness of government and lack of accountability. We can elaborate these; low participation is correlated with political alienation, especially among the young; unresponsiveness leads to cynicism among electors - poor accountability likewise. This is the subject of political sociology which investigates "the civic culture" and citizens' attitudes to government and politics. Later I shall discuss to what extent a lottery democracy could overcome these shortcomings. Two further problems with modern democracy, are the under-representation of minorities – which is of special concern in multicultural societies – and the fact that the members of the legislature are usually *untypical* of the constituents who elected them – in other words, the tendency to elitism. This untypicality did not greatly trouble Burke and Madison in the 18th century – indeed, they considered it an advantage. But since Michels' work on "the iron law of oligarchy" in the early 20th century[5] criticisms of "elite democracy" have abounded. Not only does the selection process for candidates separate those chosen to stand for office from the rest of the electorate, with untypically assertive and self-confident people being elected – but also, from the moment of election, MPs have more in common with each other (whatever their party) than with their constituents. Separate, elite interests develop; retaining power, despite elections, becomes paramount. Again, I shall discuss whether a lottery democracy could solve these problems.

The advantages of representative democracy were probably most appreciated in the 18th and 19th centuries when whole nations were rebelling against autocratic rule and demanding government by consent. By now we tend to take them for granted, so it is worth listing them here, in order to consider (later) whether lottery democracy could offer the same advantages.

[5] Robert Michels, *Political Parties: a Sociological Study of the Oligarchical Tendencies of Modern Democrary*, trans. Cedar Paul and Eden Paul, New York, Free Press, 1962, p. 342-356.

Intentionality: voters are able to choose the government through a willed choice. They are active, not passive, citizens. They consent to the laws which they must obey.

Freedom of choice: any citizen may stand for election; there is a multiplicity of candidates and parties to choose from. Choices are in no way constrained.

"Expressiveness": the expressive function of democracy is also appealing on a psychological level. The fact of being able to express your feelings through voting (feelings such as discontent with a government) is politically therapeutic and reconciles citizens even to outcomes which they oppose.

Accountability: a democratic government can be held to account by the voters, by opposition parties and by constitutional mechanisms such as select committees. This should ensure probity, acceptance of responsibility (and blame) and responsiveness to the electorate.

Promotion of one's own interests: democracy offers individuals the chance to promote their own interests and preferences through voting and participation. This view would be endorsed by rational choice theorists, but condemned by Edmund Burke.

We can all cite numerous instances where these advantages are not achieved in modern democracies. But in principle these are the important advantages of representative systems.

4. DIRECT DEMOCRACY

In direct democracy, every citizen participates directly in the political process and contributes to policy- and law-making. Rousseau describes an imaginary society of this kind in The Social Contract[6]. In the popular assembly, each individual may express his own views and promote his own interests, but when voting the individual

[6] Jean-Jacques Rousseau, *The Social Contract* (1762). Edn. Used, trans. and ed. G. D. H. Cole, Dent, 1913.

should vote for the policy or law which promotes the good of the whole, the common good. It follows that if someone has to be forced to obey the law (punished for disobedience), he is "forced to be free" – that is, forced to obey the law which he freely and voluntarily participated in making[7]. Rousseau's theory has been extensively criticised by liberals because of the possible illiberal implications of this sophism. He has been accused of being a forerunner of totalitarianism. But such critics often overlook the social and economic conditions which Rousseau assumes for the contract society: a minimum of inequalities, a shared civic life and social, ethnic and religious homogeneity. In such a society people's interests will be similar and their reasoned political opinions will converge on a rational consensus based on freely available information; they will obey willingly.

The ideal of "self-government" is realised in a direct-democracy society: everyone "represents" himself and can freely promote his own interests and views in the political forum. Direct democracy fulfils the democratic criterion of non-subjection: such a citizen suffers no personal subjection; certainly, he is subject to the will of his fellows but they are subject to his will to precisely the same extent[8]. Everyone has a voice. Everyone is free although, inevitably, constrained by the requirements of living in a society with other free beings.

The main theoretical objections to direct democracy are its *populism* and the attendant *threats to freedom* these are said to be intrinsic to this form of government. Plato's criticisms of Athenian democracy emphasise the populist aspects. There is unmerited equality, with the opinions of the ignorant counting as much as those of the wise and deserving. The masses are prey to demagogues. Everyone pursues selfish ends and public duties and the law are neglected. Individual freedom as we understand it now was not an important issue in Plato's time – indeed he deplored the fact that democracy promoted a neglect of the *res publica* and an excess of liberty - and a deterioration in manners, even those of domestic pets[9]!

[7] *Ibid*. Book I, ch. VIII, In Dent edn., p. 15.
[8] *Ibid*., Book I, ch. VII, In Dent edn., p. 12.
[9] Plato, *Republic*, trans. H.D.P. Lee, Harmondsworth, Penguin, 1955, p. 327-334. (Part IX, Bk. VIII s. 6).

Populism was also the fear of the more individualistic critics of the French Revolution; from the English perspective it was the mob running riot and the despotism of tyrants who purported to rule by will of the people. The main threat was to the "life, liberty and estate" of individuals, notwithstanding the promises of the French "Declaration of the Rights of Man and Citizen". "Popular sovereignty" became a term of abuse in anti-revolutionary polemic; Rousseau was condemned for the populist nature of his ideal democracy and for the concept of the "General Will", said to be a camouflage for tyranny[10].

Rhetoric aside, populism is a risk in *all* democratic systems; the mass can always outvote the individual or the minority group, unless the constitution requires all laws to be approved unanimously. Although this risk is mitigated in representative democracy, the majority vote still prevails. However, populism is specifically associated with direct democracy, because there are no criteria for participation (other than citizenship, however defined) and the ignorant, uneducated and prejudiced have an equal voice with the educated and wise. The condition of rational debate will rarely be fulfilled in a direct democracy for these reasons. In Britain, much of the 19th-century opposition to extension of the franchise was based on such arguments and J.S. Mill's "Representative Government" is a good example of how a liberal intellectual managed to promote an elitist form of government-by-the-educated while arguing for universal suffrage[11].

The practical disadvantages of direct democracy are self-evident. A meeting of all the citizens is a physical and logistical impossibility except in communities as small as ancient Athens or Rousseau's Geneva. Today's UK citizens can vote locally or by post or by text in national elections or in referenda, of course, but there is little chance for them to engage en masse in rational discussion.

[10] For example, Ernst Cassirer, *The Question of Jean-Jacques Rousseau*, New York, Columbia university Press, 1954, and Alfred Cobban, *Rousseau and the Modern State*, London, Allen and Unwin, 1964. Similar criticisms have, of course, been made of Marx's and Lenin's idea of democracy and the vanguard party.

[11] John Stuart Mill, *Considerations on Representative Government*, London, Parker, Son and Bourn, 1861, ch. VIII especially.

In the last three decades, some governments have made gestures towards direct democracy via new forms of participation. Citizens' juries encourage deliberation – generally on local issues – but have no power or effect. Focus groups are usually used for partisan purposes (as in commercial marketing). Opinion polls (*sondages*) are designed to be cross-sectionally representative; their results may influence government but the polls are not deliberative. (But James Fishkin's experiments with the "deliberative opinion poll" in the USA are interesting[12]).The communicative potentialities of electronic media have been exploited by governments as well as by political groups: the British government has introduced an "online petition" – if sufficient people (100,000) sign a petition it will be discussed in parliament. The chances of such a petition becoming law are infinitely remote. A major shortcoming with many of these initiatives is that those who participate are self-selected and so not representative of all citizens.

Today, online direct democracy is a real possibility. We could all sit by our computers and participate in an online direct democracy every day, blogging our views, maybe even reading the views of others (though probably not) and voting on laws. The arguments against such a system are similar to those of Plato: the ignorance and prejudice of many "online citizens"; populism, the lack of safeguards against online demagogues, unseen activists and invisible extremists. There are also two arguments which Plato would not have used, because he considered the fulfilment of public duties to be central to citizenship: apathy, and the sheer amount of time and manpower which would be diverted from gainful or pleasurable activities. For both these reasons, it seems better to consign our public duties to elected representatives who are delegated, in one sense, to get on with the time-consuming and often tedious process of legislation. In short, although we can devise new ways of realising the principles of direct democracy, the logic of such a system points inexorably towards a representative system – for practical reasons at least. We may also consider that unmediated populism (or majoritarianism) combined with under-education and self-selected activism poses too many dangers.

[12] James S. Fishkin, *Deliberation and Democracy: New Directions for Democratic Reform*, London, Yale university Press, 1991.

Does lottery democracy, as is often thought, combine the best of the two worlds of direct and representative democracy while avoiding their failings?

5. LOTTERY DEMOCRACY

For the purposes of this discussion I will assume that a lottery democracy is a legislature or governing body consisting of citizens selected by sortition, i.e. randomly, from the whole population. In Athens, direct democracy (the Assembly of all citizens) was combined with sortition: in modern terminology, the government, the civil service and the judiciary were all chosen by lot, for a limited period. To evaluate such a system, we need to compare it to the contemporary Athenian alternatives such as oligarchy, tyranny and extreme factionalism. The comparative advantages of a lottery democracy were that:

- 1. it was immune from corruption and bias in the selection process;
- 2. hence, political competition and factionalism were reduced because the process was random and not subject to human influence;
- 3. it was anti-oligarchical and anti-meritocratic;
- 4. the limited terms of office prevented incumbents from profiting by their positions or becoming corrupt;
- 5. it helped to reduce “tribal” rivalry since people were selected from each tribe of Athens.

All these are characteristics which we would value in a modern political system – except, perhaps, the anti-meritocratic quality. However, what this system was not intended to do was create a microcosmic or “mirror” representation of interests. Indeed, any idea that politics was about promoting self-interest was anathema to Athenian philosophers, whose concern was the state and the public good, the *res publica*.

By contrast, modern advocates of sortition see the representation of personal and sectional interests (group interests, local interests etc.) as the main advantage of lottery democracy. Callenbach and Phillips, proposing a randomly selected House of

Representatives, quoted John Adams' view that it should be 'a exact portrait in miniature of the people at large, as it should think, feel, reason and act like them'[13]. And Amar, an advocate of the partial use of sortition, thought it would guarantee minorities a chance of representation of their interests[14]. I have also advocated "typical" representation (as in an opinion poll) as a positive benefit of sortition, because the representation of a cross-section of interests is preferable to the highly sectional representation of the interests of professional politicians, or lawyers, or bankers, for example, and would guarantee some representation of minorities.

In an ideal world, government should be for the good of the whole, not of personal or sectional interests – something about which, surprisingly, Burke and Rousseau would have agreed. To achieve this ideal in a lottery democracy, or a direct democracy, would require a high level of education and political sophistication on the part of all citizens. Only then would they have the wisdom to moderate their personal and sectional interests in the light of the greater good.

6. EVALUATING DIRECT VERSUS LOTTERY DEMOCRACY

In terms of the characterisics listed earlier in this paper:

Citizenship: in both, all citizens have a voice, or the chance of a voice

Participation: in both, participation is possible. Everyone can participate, or at least have a ticket in the political lottery.

Civil society: the political sphere becomes more open and integrated with civil society – there is no specialisation or professionalization in politics.

[13] Ernest Callenbach and Michael Phillips, *A Citizen Legislature*, Banyan Tree Book, 1985, p. 1.
[14] Akhil Reed Amar, "Choosing Representatives by Lottery Voting", *Yale Law Journal*, 93, 1984, p. 1283.

Rights: in both systems, citizens' rights are achievable, except with regard to voting. In direct democracy, everyone has a personal vote, whereas *no-one* has a vote in lottery democracy. But populism in both systems could threaten individual and group or minority rights.

Duties would remain in either system (as long as the system were perceived to be legitimate)

Rational debate: debate in the political forum would be less partisan, because the party system would be undermined (as Sutherland argues[15]); however, the risk of populism and of the unmediated expression of personal and sectional interests would be increased in both systems.

Conclusions: On Lottery Democracy

Lottery democracy may seem like a good compromise between direct democracy and representative democracy; it is easier and more practical than direct democracy, and it destroys the elitist and partisan tendencies of representative democracy. But I would argue that it lacks some crucial democratic dimensions which are present in the other two forms.

The strongest argument against lottery democracy is that it destroys any notion of accountability. Those randomly selected (for a limited term) are not answerable to voters for their actions. They can act irresponsibly or selfishly, or indeed fanatically. Furthermore, those not selected will feel disempowered. The elements of intentionality, will and choice which are present in both representative democracy and direct democracy are absent. Although sortition is usually advocated as a way of broadening political participation, it diminishes it, in the sense that the mass of the population has no active role, unless selected by the lottery to serve. The "expressive" function of democracy is also absent. In addition, there is no compelling reason to respect the decisions of those chosen. A lottery democracy could seem

[15] Keith Sutherland, *A People's Parliament: a (revised) blueprint for a very English revolution*, Imprint Academic, 2008.

like the arbitrary imposition of a random set of temporary rulers rather than being in any sense "the rule of the people", in contrast to direct democracy.

There are two organisational ways to mitigate these failings while retaining the advantages of a lottery system.

- Instead of voting for candidates, as we do now, citizens could submit their own names for the lottery process every (say) five years. This would infuse the system with a sense of intentionality and choice, unlike the system of random selection from an electoral register or some other list of citizens. But this would also encourage self-selection and might do little to involve those who are already apathetic. Ideally, however, it would "animate each citizen with the pleasing hope of serving his country", in the words of Montesquieu[16].
- Lottery representatives could be (randomly) allocated a "constituency" where they would be required to hold meetings with the residents and discuss policy - and also to help with residents' problems. This would introduce an element of accountability; although accountability could not be enforced through elections, there could be procedures to discipline or dismiss representatives who neglected their duties or misbehaved – a minimal form of accountability.

If such modifications are made to a sortition system, lottery democracy would begin to resemble representative democracy more and more. This is, I think, the reason for its popularity among contemporary thinkers; they are not driven by the desire for unmediated popular sovereignty and for resurrecting a form of direct democracy but by repairing the failures of representative democracy.

I do not think that lottery democracy is a substitute for direct democracy; nor is direct democracy in the abstract sense, necessarily the ideal. Lottery democracy lacks the evident legitimacy of direct democracy (in the "rule of the people" sense) but has the twin advantages of being practical, and of overcoming the clear tendencies of representative democracy to elitism and the corresponding lack of interest and participation from citizens in general. In some ways it could be seen not

[16] C. S. Montesquieu, *The Spirit of the Laws*, trans. T. Nugent, Hafner, 1949, p. 11

as a democratic system but as a form of government which eliminates the dangers of elitism and partisanship rather than being based on the “voice of the people”.

To summarise: lottery democracy must move towards some version of a representative system. If it does not move in this direction, and hence away from direct democracy, it is just a set of arbitrarily imposed, unaccountable (although more “typical”) rulers. What it does, which the representative system does not do, is eliminate partisanship and elitism and some possibilities of corruption – but this is at the cost of efficiency and accumulated expertise of an established representative democracy.

All political systems are irredeemably elitist and that the lottery would substitute another elite, albeit a temporary one. But this overlooks the nature of elites – a temporary elite which boasts no special qualifications or resources, and which frequently changes, is not an elite in any normal sense[17]. For that reason lottery democracy is qualitatively different from all other forms of democracy.

[17] Tom B. Bottomore, *Elites and Society*, London, Penguin, 1964, ch.III usefully discusses the circulation of elites and the role they play in the political thought of theorists such as Pareto and Mosca.

MANY VOICES, DIFFERENT VOICES

PETER STONE

Abstract: Democracy, the rule by the people, is commonly equated with rule by the *many*. This ideal is in turn equated with rule by the *different*, or rule by people from all walks of life. And both these ideals are often treated as equivalent to the idea of *descriptive representation*. This last ideal holds that different social groups should be represented on political decision-making bodies in numbers proportionate to their presence in the general population. It is easy to see why these three ideals should be treated as equivalent; descriptive representation, in any moderately pluralistic society, implies rule by the different, and requires rule by the many for its attainment. Nevertheless the three ideals are distinct; rule by the many does not imply rule by the different, and neither implies descriptive representation. It is therefore important to figure out just how large a contribution each of these three ideals can make to democracy. This paper examines the respective *epistemic* contributions of the three ideals—in other words, the contributions they make to the quality of political decision-making. The paper defends three conclusions: 1) the contribution that rule by the many makes to democratic decision-making can easily be explained using the Condorcet Jury Theorem (CJT); 2) extending the CJT to capture the contribution made by rule by the different requires specific conditions, and homogeneity (i.e., lack of difference) will often make sense epistemically; 3) even when rule by the different is justified epistemically, descriptive representation will only be justified in turn under fairly exacting conditions of uncertainty. The paper concludes by reflecting on the implications for direct democracy and sortition, both of which are typically defended in terms of all three ideals.

Key Words: Democracy, Diversity, Descriptive Representation, Condorcet Jury Theorem, Bias

Introduction

Democracy means "rule by the people". But democracy has never been taken to demand that all decisions must be made or implemented by the people as a whole. Even polities that place a premium on direct democracy – that assign a large role to the people as a whole – delegate much of their decision-making process to smaller bodies of citizens. Such was the case in classical Athens; the *ekklesia*, or assembly of the (adult, male) citizenry as a whole, made most policy via decrees, but smaller subgroups of the citizenry administered the assembly's business (the *boule*, or great council), tried cases (the juries), led the armed forces (the *strategoi*, or generals), and maintained and modified the city's constitutional structure (the *nomothetai*). Some of these subgroups were very large (juries had 501 or more members); others quite small (Athens employed ten *strategoi*). Some were elected (the *strategoi*), others selected by lot (the juries, the *boule*, the *nomothetai*). But even in this most democratic of city-states, the role of direct democracy was seriously circumscribed, without apparently compromising its democratic credentials[1].

Democracies, then, necessarily rely upon decision-making bodies smaller than the whole to conduct much, if not all, of their business[2]. The question, then, is how should these decision-making bodies be selected, and how should they be composed, if they are to remain compatible with the democratic ideal. In this paper, I shall consider one answer to this question, and demonstrate its limitations in practice.

[1] Rousseau believed that democracy required administration, as well as legislation, to remain in the hands of the people as a whole. (And no people, he further believed, could delegate lawmaking powers while remaining free.) He recognized that this was impractical, but concluded from this that "there never has been a real democracy, and there never will be". "Were there a people of Gods, he opined, "their government would be democratic. So perfect a government is not for men" (*Social Contract*, III. 4). Rousseau's opinion, however, remains a distinctly minority one.

[2] James Madison boasted that the United States would become the first republic to "exclude the people in their collective capacity from any share" of decision-making authority (*Federalist* 52, 63).

The ideal I shall consider has been called the ideal of *descriptive representation*. This ideal holds that if *k%* of the citizenry as a whole possesses some characteristic, then *k%* of a decision-making body should also possess that characteristic[3]. The characteristic could be membership in a race, gender, religion, socioeconomic class, etc. For a descriptively representative body, this condition holds for many if not all characteristics.

When descriptive representation obtains, the smaller body "looks like" the larger body politic in an obvious way. Many political theorists have found this "looking like" to be an attractive property, especially in a legislative body. Consider the following three examples:

> John Adams: "The representative assembly should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them."
>
> James Wilson: "The government ought to possess not only, first, the force, but secondly, the mind or sense of the people at large. The legislature ought to be the most exact transcript of the whole society."
>
> The Comte de Mirabeau: "The representative body should at all times present a reduced picture of the people…and that presentation should bear the relative proportion to the original." (all three quotations from Stone 2011b, p. 138).

Sortition – the random selection of political officials – can guarantee descriptive representation, at least for a sufficiently large decision-making body. And so not surprisingly, those who are attracted to this ideal are often attracted to sortition, and proponents of sortition routinely evoke descriptive representation as an advantage of the practice (e.g., Barnett and Carty 2008; Callenbach and Philips 2008; Sutherland 2008).

[3] The classic discussion of descriptive representation as an ideal remains Pitkin (1967).

It is not hard to say why this ideal might possess some appeal. If democracy means anything, it is that all citizens have an equal right to make their voices heard. If a polity ignores or neglects some voices, then that polity's decision-making process is to that extent deficient[4]. Nevertheless, descriptive representation as an ideal has clear limits. Is it really the case that descriptive representation requires proportionate presence on decision-making bodies of *all* characteristics the body politic possesses? Is there no characteristic present in the general population that is irrelevant, or possibly even undesirable, in political decision-making? Ernest Callenbach and Michael Phillips, in their book *A Citizen Legislature*, take the point the farthest. They advocate the selection of the U.S. House of Representatives by lot, and evoke the achievement of descriptive representation as their primary reason. They concede that many representatives might prove lazy or uninterested in doing the work that a lawmaking body requires, but descriptive representation requires the presence of such people as well. Lazy and apathetic people, after all, deserve representation like everyone else (Callenbach and Phillips 2008, pp. 47-48).

But there is a more basic problem with descriptive representation, in that the specific contribution it makes has not been adequately defined. In this paper, I shall demonstrate this fact by breaking down the ideal of descriptive representation into three sub-ideals. Descriptive representation requires that a political decision be made by *many* people, by many *different* people, and by *proportionately* many different people. Obviously, the third of these ideals implies the second, which in turn implies the first. But the first in no way implies the second, and the second in no way implies the third. An argument for descriptive representation requires a defense of all three ideals. The arguments presented thus far, however, at best establish a case for the first or the second. There is thus a clear lacuna in the literature on descriptive

[4] Of course, it is a further step to claim that in order for a citizen's voice to be heard with regard to some decision, someone who is sufficiently similar to that citizen must participate in making that decision. This claim underlies criticisms of legislatures which are overwhelmingly white and male, and it remains one of the most controversial claims in the literature on representation. For a sample of the conflict, see Swain (1995) and Lublin (1997). I shall not pursue this controversy further here.

representation that democratic theorists would do well to address, either by devising a new defense of descriptive representation or by weakening their endorsement of the ideal.

Section 2 of the paper distinguishes between *intrinsic* and *instrumental* cases for descriptive representation. Here I argue that, if there is a case to be made for descriptive representation, it must be an instrumental case. It must, in other words, be the case that a group that "looks like" the body politic makes better decisions, in some way, than a group that does not. Section 3 uses the Condorcet Jury Theorem to defend the ideal of decision-making by *many* people. Section 4 suggests that suitable modifications of this theorem might produce a defense of decision-making by many *different* people. These modifications, however, reveal just how large is the gap between this defense and a defense of decision-making by *proportionately* many different people – i.e., a defense of descriptive representation. Section 5 concludes by contrasting my critique of descriptive representation with that of Oliver Dowlen (2008), another proponent of sortition.

1. Intrinsic or Instrumental?

Arguments for democratic institutions tend to fall into two distinct categories. (It is possible, of course, to make arguments for the same institution using different categories of argument.) On the one hand, one can defend an institution because of its *instrumental* role in producing good decision-making. An example of this kind of argument is Amartya Sen's classic argument that democratic elections, coupled with opposition parties and a free press, prevent famines from taking place (Sen 1983). On the other hand, one can defend an institution because of its *intrinsic* qualities. The idea here is that the institution by its very nature treats people in a certain manner, regardless of the consequences the institution produces. An example of this kind of argument is the Athenian ideal of *isonomia*, the idea that each citizen enjoys

equal standing in the polity. Many Athenian practices were justified by pointing to the equal respect that those practices showed to all citizens, a respect demanded by *isonomia*.

It is difficult to imagine what an intrinsic argument for descriptive representation might look like. To be sure, one can easily justify *negative* constraints upon the composition of decision-making bodies using intrinsic considerations. One can, for example, demand that all political offices be formally open to all citizens, regardless of race, gender, or social class. Such a demand requires no instrumental justification; a nation that denied a small minority the right to hold office might function just as well as a nation without this denial, and yet the denial in itself is a show of disrespect to the affected minority. (Indeed, that show of disrespect is likely the entire point of the denial.) But opposition to legal restrictions upon who can hold office is not the same as descriptive representation. The latter reflects a *positive* demand that all parts of the polity be represented proportionately in political office. And it is hard to see how one could use considerations like equal respect to all citizens to defend this positive demand.

For this reason, I shall assume throughout this paper that if descriptive representation can be defended as an ideal, it will be for instrumental reasons. If decision-making bodies that "look like" the entire polity are superior to decision-making bodies that do not, then it must be because the former generate better decisions than the latter. This requires, of course, some understanding of what it means to speak of "better" or "worse" public decisions. I shall assume in this paper that the best framework for speaking in this manner is an *epistemic* framework (Cohen 1986). According to this framework, there exists a correct answer as to how democracy ought to make certain decisions[5]. The goal is to maximize the probability that the democracy in fact identifies the correct answer. (This need not, of course, be

[5] Of course, the political process involves the *implementation* of decisions, not just the making of them. I shall focus here on the problem of decision-making, as implementation introduces complexities that I cannot tackle here.

the only goal when setting up institutions). Decision-making institutions should therefore be designed with this goal in mind. I shall therefore assume an epistemic conception of democracy here, and ask what contribution, if any, descriptive representation can make to correct decision-making.

2. Many People

Many people in many places have defended the use of large bodies of people to make various sorts of decisions. Lawmaking typically proceeds in this manner; as Jeremy Waldron has observed, virtually every nation (even autocratic ones like China) feels the need to have a large legislature consisting of dozens or hundreds of people (Waldron 1999). Other decision-making bodies have been similarly large; Athenian juries, for example, typically consisted of 501 randomly-selected citizens, and important cases could generate the need for even larger juries.

Why should large decision-making bodies possess such appeal? It has long been argued that a large group of people might collectively decide better than a single person, even a very wise and competent one. Consider Aristotle's famous defense of the "rule of the many":

> For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse. For each individual among the many has a share of virtue and prudence, and when they meet together, they become in a manner one man, who has many feet, and hands, and senses; that is a figure of their mind and disposition. Hence the many are better judges than a single man of music and poetry; for some understand one part, and some another, and among them they understand the whole (*Politics* 1281a43-b9).

This argument, like much of Aristotle, is plausible but vague. How can one demonstrate, at least theoretically, that the wisdom of the many can be harnessed in the manner Aristotle described?

The Condorcet Jury Theorem (CJT), first formulated in the late-eighteenth century, offers one answer to this question. The theorem rests upon a simple result in probability theory. Suppose that a group of n people must make a decision via majority rule. The decision has a correct answer, and each person in the group can identify the correct answer with probability p. Each individual is right more often than she is wrong—in other words, $p > ½$ – and the probability that one individual is right is strictly independent of the probability that another individual is right. Then the CJT shows that 1) the probability that the majority votes correctly is greater than p – i.e., greater than the probability any individual member of the group votes correctly – and 2) the probability that the majority votes correctly approaches 1 as n becomes large[6].

The CJT powerfully supports the idea of decision-making by many people. Subsequent refinements and enhancements to the theorem have established the robustness of the result. Grofman, Owen, and Feld (1983) showed that majorities still outperform the average individual in a group even if p is allowed to vary by individual, so long as the distribution of values of p is symmetric. Boland (1989) demonstrated that the distribution of values of p does not matter, so long as the average value of p is sufficiently high. Paroush (1998) has demonstrated the importance of Boland's result, by showing that having the average value of p exceed ½ is not a sufficient condition for the CJT's result under certain distributions of voter competence. Owen, Grofman, and Feld (1989), however, demonstrated an average value of p exceeding ½ is sufficient for the asymptotic result (i.e., for the probability of majority success to approach 1 as committee size increases). Kanazawa (1998) and Fey (2003) extended Boland's result by comparing homogeneous and

[6] If $p < ½$, then 1) the probability that the majority votes correctly is less than p, and 2) the probability that the majority votes correctly approaches 0 as n becomes large. If $p = ½$, then the probability that the majority votes correctly equals ½ for any size n.

heterogeneous groups and by generalizing the result to voting rules other than majority rule.

3. Many Different People

The CJT provides significant theoretical support for the idea that when it comes to decision-making, more is better than less. Of course, there may well be tradeoffs to be had. As decision-making bodies become larger, it may become difficult to find agents with competence levels (p) exceeding a certain level, even on average. Put another way, the gains to decision-making that result from the aggregation of many judgments may be outweighed by the decreased average competence level of those judgments. (Condorcet himself suggested that this effect would take place.) This tradeoff, to my knowledge, has never been rigorously explored; nonetheless, it is plausible, and must be taken into account in designing decision-making bodies.

The issue of competence, however, raises a problem for the defense of descriptive representation. The CJT establishes a case for involving *many* people in the decision-making process, but not for involving many *different* people in the process, people who differ from each other in significant ways (race, religion, gender, etc.). The original CJT assumed that all agents were identical in the only respect that mattered – decision-making competence, or the value of p. If everyone – black or white, rich or poor, male or female – is identical in this respect, then it simply does not matter who winds up on the decision-making body. A group of heterosexual rich white men will perform just as well as a group that descriptively represents the entire body with respect to race, gender, class, and sexual orientation, provided that the two groups are of the same size.

Admittedly, it may be harder to preserve independence of judgment among people who are very similar. Rich white men tend to talk to one another, and so their

judgments might become correlated, so that the probability that one is correct ceases to be independent of the probability that another is correct. At the limit, "groupthink" takes over, and the many independent opinions get replaced by a single opinion, such that asking one is equivalent to asking them all[7]. But the central result of the CJT can survive some amount of dependence between judgments (Ladha 1992; Ladha and Miller 1996). And more importantly, demographic similarity hardly guarantees uniformity of opinion, nor does it ensure close correlation between opinions. Regardless of how similar two agents are, the CJT allows both to contribute so long as they retain some ability to exercise independence of judgment. And if that independence is preserved, the contribution by a homogeneous group of agents will be the same as that of a heterogeneous group of the same size.

Of course, as noted before p is not uniform for all members of society. But recognition of this fact does not help the case for involving, not just many, but many different people in the decision-making process. For if the competence levels for different agents can be identified, then optimal decision-making does not require diversity. Instead, it requires the selection of agents with the highest possible competence levels. In practice, this may prove difficult or impossible to do. It may be possible to identify demographic characteristics (such as education level) that correlate well with competence; if so, selection on those characteristics should be carried out, with homogeneity and not heterogeneity being the aim. This may prove to be a bad idea, of course; it is reasonable to fear that the decision-making process might be hijacked by a certain social group for self-serving reasons. But if one does not wish to identify competence levels, either directly or indirectly, then one once again faces indifference with regard to group composition. If one knows nothing about who is more competent than who, then one does not have a reason to select many different people; rather, one has no reason to select one group of people over another.

[7] Rousseau may have recognized this problem when he argued that to preserve independence of judgment, civic associations should either be abolished or proliferated to the greatest extent possible (so as to minimize the influence of any one association; see *Social Contract* II.3).

This result should not seem surprising. There is only one dimension along with decision-makers can vary – competence. The higher an agent scores along this dimension, the better the argument for placing that agent upon a decision-making body. This makes it very difficult to argue for heterogeneity in decision-making in these terms. The court record left by the U.S. Supreme Court in the Reconstruction Era illustrates this difficulty well. On the one hand, the Court struck down a state law excluding blacks from sitting on juries[8]. On the other hand, it consistently refused to find fault with the mere fact that a jury selection process produced all-white juries.

A number of defendants objected to the court that when an African-American stands accused, white jurors may well make decisions through skin color and not facts. Black jurors, they suggested would be less likely to make this mistake. In the language of the CJT, the probability that a white juror incorrectly finds an innocent black person to be guilty exceeded that of a black juror. The appeal of the argument is unmistakable, and yet the U.S. Supreme Court rejected this line of reasoning at the time and continues to deny the central conclusion to which this line of reasoning points. Justice Stephen Field wrote a dissenting opinion at the time that explicitly rejected this conclusion and spelled out an interesting reason for the rejection.

> The position that in cases where the rights of colored persons are concerned, justice will not be done to them unless they have a mixed jury, is founded upon the notion that in such cases white persons will not be fair and honest jurors. If this position be correct, there ought not to be any white persons on the jury where the interests of colored persons only are involved. The jury would not be an honest or fair one, of which any of its members should be governed in his judgment by other considerations than the law and the evidence…[9]

[8] Strauder v. West Virginia 100 U.S. 303 (1880).

[9] Ex Parte Virginia 100 U.S. 368 (1879).

If black jurors make fewer mistakes than white jurors when black defendants are concerned, then black defendants should have all-black juries. And virtually no defender of the civil rights of oppressed groups seems willing to stand by such a demand.

This logic applies more generally. The fact that one group of people may be biased, in a manner that lowers the probability of its members judging correctly, does not provide a basis for including other groups of people on the decision-making body along with them. It does not, in other words, produce an argument for many different voices in the decision-making process. Rather, it provides a basis for excluding members of the biased group from the decision-making process entirely. It provides a reason for wanting less diversity, not more.

In most models based upon the CJT, the only dimension along which individuals vary is their probability of judging correctly. Thus, the only way in which one group of individuals can differ from another is in terms of their respective probabilities. One group can (loosely speaking, if there is heterogeneity within each group) be better, worse, or the same as another. If the first group is better, then the second group should be excluded from decision-making. If the first group is worse, then it should be excluded. If the first group is the same as the second, then it doesn't matter who makes it onto the decision-making body. Clearly, if there is a case to be made for including representatives of different groups on a decision-making body – if there is an argument for wanting, not simply many, but many *different* voices involved in decision-making – then individuals must differ along more dimensions than one.

It is possible to introduce added complexity into the CJT environment so as to accommodate difference, not simply superiority or inferiority, between agents. One way to do this is to introduce the idea of *bias* in decision-making. Maintain the assumption that the decision to be made is a dichotomous one[10]. Label the two

[10] It is possible to extend the CJT to decisions involving three or more options (see, e.g., Young 1988). I shall not consider this possibility further here.

options *a* and *b*. The problem facing the decision-makers is to select *a* when *a* is the correct decision and to select *b* when *b* is correct. Framed in this manner, it becomes apparent that agents can vary along two dimensions – probability of correctly selecting *a* and probability of correctly selecting *b*. Consider again the problem of jury decision-making with a black defendant. White jurors might be less likely than black jurors to acquit the defendant if he is innocent. This is the logic behind the complaint in *Ex Parte Virginia* and similar cases. But it is also possible that black jurors might be less likely than white jurors to convict the defendant if he is in fact guilty. Perhaps black jurors, sensitive to the (very real) discrimination and oppression still endured by blacks throughout the U.S., may be reluctant to admit they face a guilty defendant. Or, given the way the system continues to treat African Americans, black jurors might feel a need to "close ranks" and show loyalty to the defendant[11]. If some such factor as this intervenes, then black jurors may prove *biased* towards acquittal, even as white jurors are *biased* towards conviction[12].

Bias makes it possible to speak of different groups varying in their decision-making abilities without one group being straightforwardly better at decision-making than another. For groups can have opposing biases. When this is the case, there is

[11] The Supreme Court has given credence to claims of this sort before. In his dissent in *Batson v. Kentucky*, for example, Chief Justice Burger cited favorably a federal circuit court case which suggested that "each race may have its own special concerns, or even may tend to favor its own." *Batson v. Kentucky* 476 U.S. 123 (1986).

[12] I make no claim here about whether black jurors do in fact systematically behave this way – although some whites clearly believe they do – or about the justice of such behavior if it in fact occurs. On the first point, it is important to stress that, *if* no such factor inhibits black jurors in convicting guilty black jurors, then the logic seems inescapable – whites should not sit on juries trying black defendants. This is true as long as the single goal of the process is to convict the guilty and acquit the innocent. I do not consider here other factors, such as white perceptions of a system of all-black juries, which may tell against the idea. On the second point, it may well be that black reluctance to convict constitutes in many cases a justifiable case of jury nullification – a judgment of the validity of the law itself, or of its application in certain cases. This would be especially true in such areas as drug laws and the death penalty, where racial bias displays itself most plainly. Again, I do not consider whether such behavior is justified. I merely point out that, first, such behavior will increase the probability that guilty defendants go free and, second, that blanket approval of such behavior points again back to the all-black jury. See Abramson (1994, ch. 2) on nullification.

an intuitive case to be made for diversity. Surely optimal decision-making requires having opposing biases represented, so that the biases may cancel out and the "truth" can prevail. This might in fact be the case, but it is not guaranteed[13]. Consider the simplest possible case involving bias – two groups with opposing biases. For simplicity's sake, assume that all members of the same group have the same probability of deciding correctly, and that the two groups have equal and opposing biases. This means that each member of one group selects *a* when *a* is correct with probability *q*, and *b* when *b* is correct with probability *p*, with $q > p$. Each member of the other group, by contrast, selects *b* when *b* is correct with probability *q*, and *a* when *a* is correct with probability *p*. Each individual, no matter what the group to which she belongs, decides independently of any other individual given the option that is in fact correct (i.e., given that *a* is correct, two members of the same group will both decide correctly with either probability p^2 or probability q^2.) I assume further that $q > ½$; if not, all decision-makers are so disastrously bad that one would be better off tossing a coin than consulting with any of them.

The question, then, is how the decision-making body should be composed given a pool of possible candidates consisting of members of these two groups. The answer depends upon a variety of factors, including the specific values of *q* and *p*, the *ex ante* probability that *a* is the correct option, and the costs of failure. (These costs need not be the same for both options; choosing *a* when *b* is correct might be worse than choosing *b* when *a* is correct. Again, the jury analogy is obvious.) But a few general conclusions are possible. First, group heterogeneity is never optimal whenever $q < 1-p$. When this is the case, decision-makers perform terribly whenever their biases work against them. A juror with this kind of bias towards guilt, for example, would be more likely to convict an innocent defendant than a guilty defendant (although she might still be good at convicting guilty defendants)! Under these conditions, optimal decision-making requires guarding against the one of the two scenarios – wrongly selecting *a* or wrongly selecting *b* – by stacking the

[13] For proof of the claims made below, see Stone (2011a).

decision-making body with individuals with the proper bias. Which bias is the proper one will depend upon the other parameters of the model.

Assume, then, that $q \geq 1-p$. (This automatically holds whenever $p > ½$. If decision-makers are passably competent even when their biases are working against them, then it is easy to avoid disaster.) This is a necessary, but not a sufficient, condition for group heterogeneity to be optimal. In other words, if this condition is satisfied, then optimal decision-making might require the presence of both forms of bias on the decision-making body, but it might not. Again, it depends upon the value of the other parameters. If both options are equally likely to be right *ex ante*, and if both types of mistake are equally undesirable, then the optimal decision-making body will contain equal (or as equal as possible, if an odd number of people are needed) numbers of representatives from both groups. Other values for these parameters, together with the values of p and q, will point to a different optimal composition. This optimal composition will be expressed in terms of the size of the majority that one group should enjoy over the other on the decision-making body. This size is expressed in absolute, not relative, terms. In other words, it will take the form "Select x more members of the first group than the second group" and not "Fill 60% of the seats with members of the first group. The significance of the absolute margin has been noted before (List 2004); this result merely reinforces this significance. And it is entirely possible that the optimal absolute margin will be as large or larger than the decision-making body; when this happens, homogeneity, not heterogeneity, leads to optimal decision-making.

4. Proportionately Many Different People

The epistemic defense of heterogeneous decision-making bodies presented in the previous section is quite preliminary. It assumes a society composed of only two different groups, making a decision in which there are only two different options.

Nevertheless, it provides some reason for believing that heterogeneity – the involvement of *different* people, not simply more of them – might improve epistemic performance. There is at least one way in which different types of people can each contribute something to decision-making, or guard against a different type of mistake.

What this defense cannot do, however, is justify the demand for proportionality, a demand assumed by proponents of descriptive representation. Again, these proponents do not simply want different types of people taking part in decision-making; they want different types of people taking part in decision-making *in proportion to their numbers in the general population*. In the epistemic account sketched in this paper, optimal committee composition depends upon many parameters, but the proportions of the wider society containing each group is simply not one of them. For a given set of parameters, the best decisions will be made by a committee with *x* more people biased towards option *a* than biased towards option *b*. And this will remain true if the percentage of people in the general population biased towards *a* is 1%, 10%, 50%, or 90%.

If this analysis is correct, then bringing diversity and heterogeneity to decision-making must be done by reference to factors other than population demographics. This squares with both historical precedent and current institutional proposals; indeed, it squares with both of them better than the ideal of descriptive representation. Medieval England, for example, established the jury de medietate linguae, an institution under which a Jew (and later, any foreigner) appearing in court could insist upon having six of his own compatriots sit on the jury (Constable, 1994). Contemporary proposals surrounding the jury work in similar ways, although none call for a 50-50 split between groups. Many of these proposals arise in the context of racial or ethnic minority defendants in U.S. criminal trials. These proposals typically call for mandatory representation on the jury by the same ethnic minority. This representation is to be out of proportion to that minority's presence in the general

population. The number of representatives required for the minority tends not to exceed 3 out of 12. This is true even of a well-known legal paper with the provocative title, "The Case for Black Juries" (1970). Similar proposals can be found in Johnson (1985) and Alschuler (1995), as well as the report by the British government's Commission for Racial Equality described in Duxbury (1999, p. 80). These demands for minority representation reflect the unanimity rule required for conviction in modern Anglo-American criminal trials. The idea is that one juror is unlikely to stand alone against the pressure applied by the rest of the jury, whereas two or three will be capable of supporting themselves and preventing a conviction should they think it right[14]. These proposals do not perfectly reflect the results generated here – they focus upon the relative, not the absolute, margin of membership of various groups. But they are even further away from the spirit of descriptive representation, in that they ignore completely the demand of proportionality.

Descriptive representation, then, calls for decision-making by 1) large bodies of people who are 2) drawn from a variety of different groups, where 3) those groups are represented proportionately. One can make an epistemic case for 1) and 2), but the case for 3) has yet to be made effectively.

Conclusion

I conclude here by briefly discussing the implications of my argument for the practice of *sortition*, the selection of political representatives by lot. As noted before, proponents of sortition often point to descriptive representation as one of the major reasons for resorting to lot. Random selection, combined with large decision-making bodies, leads to representation of all groups in proportion to their presence in the

[14] The previous section presupposed simple majority rule. In future work, I hope to extend these results to other rules.

general population. This follows directly from the law of large numbers. These proponents, however, rarely spell out the importance of descriptive representation, relying instead upon the intuitive desirability of such a result. They are hardly alone in doing this; most people seem to believe that there is merit in decision-making by a group that "looks like" the people as a whole. But if the argument in this paper is true, then proportionality adds nothing to decision-making once decision-making by large and heterogeneous decision-making bodies is assured.

There might, of course, be an indirect case to be made for proportionality. I indicated before that any case for descriptive representation would have to be instrumental, not intrinsic. There is no intrinsic reason why a person would insist upon the presence of similar people in proportionate numbers on decision-making bodies. But that person might insist upon other things that are connected to proportionality. That person would presumably have good reason to demand that the decision-making process not be stacked against groups to which she belongs. Such stacking would violate the democratic equality upon which democracy is based. (It might also lead to bad decision-making, in the sense of self-serving behavior on the part of overrepresented groups. But modeling this process is a task for another time.) Descriptive representation might provide an indicator that no such stacking is taking place. If the group is represented in proportionate numbers, how can it complain that the process fails to show it proper respect[15]?

[15] This argument, of course, comes with two important caveats. First, there may be qualities that one positively desires be underrepresented on decision-making bodies – stupidity or racism, for example. If these undesirable characteristics correlate with other, more neutral qualities – if white people tended to be more racist than others, for example – then it would be difficult, without stratified sampling, to represent one proportionately without doing so for the other. And stratified sampling is very difficult to justify on intrinsic grounds. Second, sometimes discrimination can take the form of proportionality. Harvard, for example, implemented a quota by geographic region in the early twentieth century precisely in order to decrease the number of Jewish students (who tended to come from New York City and other large metropolitan areas; see Elster, ed. 1995). And so one could imagine showing disrespect to a group by switching from a process that overrepresents them to one that represents them proportionately.

In effect, this argument is the opposite of an argument for sortition presented by Oliver Dowlen in his book *The Political Potential of Sortition* (2008). In that book, Dowlen distinguishes between "strong" and "weak" uses of the lot[16]. A use is strong if the essential quality of the lottery provides a reason for using it; it is weak if this quality is not necessary. Against proponents of sortition who embrace descriptive representation, Dowlen argues that the lottery is a weak method for generating proportionality. It can do so, but it is not necessary, and there are other ways that are more reliable (stratified sampling, for example).

It is unclear whether Dowlen believes descriptive representation to be a desirable property of decision-making bodies. Clearly, however, he believes that sortition is not a particularly good method of achieving it. Against Dowlen, I would affirm 1) that sortition is much more essential to descriptive representation than he suggests, but 2) there is no real reason to embrace descriptive representation as an ideal. I have defended the second point in this paper. In defense of the first, it is enough to say that descriptive representation without sortition requires a finite, well-specified list of qualities to be represented descriptively. If one wishes to employ stratified sampling, for example, one must indicate the dimensions along which stratification is to take place. Random selection achieves the same end (more or less – randomness precludes precise representation of different groups) for any number of qualities. Moreover, the list of qualities need not be specified in advance. If society uses sortition to ensure descriptive representation with respect to race, gender, and religion, then decides tomorrow to add socioeconomic class to its list of essentially represented characteristics, it need make no changes to its procedures; sortition has already ensured that this new dimension is getting its due. Sortition is difficult to beat as a means of generating descriptive representation; the case for descriptive representation, however, remains to be made.

[16] For further consideration of this distinction, see my review of Dowlen in Stone (2010).

Bibliography

"The Case for Black Juries", *Yale Law Journal* 79, January 1970, p. 531-550.

Abramson (Jeffrey), *We, the Jury: The Jury System and the Ideal of Democracy*. New York: Basic Books, 1994.

Alschuler (Albert W.), "Racial Quotas and the Jury", *Duke Law Journal*, n° 44, February 1995, p. 704-743.

Barnett (Anthony) and Carty (Peter), *The Athenian Option: Radical Reform for the House of Lords*, 2nd ed., Exeter: Imprint Academic, 2008.

Boland (Philip J.), "Majority Systems and the Condorcet Jury Theorem", *The Statistician*, 38 (3), 1989, p. 181-189.

Callenbach (Ernest) and Phillips (Michael), "A Citizen Legislature", Keith Sutherland, Ernest Callenbach, and Michael Phillips (eds), *A People's Parliament/A Citizen Legislature*, Exeter, Imprint Academic, 2008.

Cohen (Joshua), "An Epistemic Conception of Democracy", *Ethics*, 97 (1), October 1986, p. 26-38.

Constable (Marianne), *The Law of the Other: The Mixed Jury and Changing Conceptions of Citizenship, Law, and Knowledge*, Chicago, University of Chicago Press, 1994.

Dowlen (Oliver), *The Political Potential of Sortition*, Exeter, Imprint Academic, 2008.

Duxbury (Neil), *Random Justice: On Lotteries and Legal Decision-Making*, Oxford, Clarendon Press, 1999.

Elster (Jon) (ed.), *Local Justice in America*, New York, Russell Sage, 1995.

Fey (Mark), "A Note on the Condorcet Jury Theorem with Supermajority Voting Rules", *Social Choice and Welfare*, n° 20, 2003, p. 27-32.

Grofman (Bernard), Owen (Guillermo) and Feld (Scott L), "Thirteen Theorems in Search of the Truth", *Theory and Decision*, n° 15, 1983, p. 261-278.

Johnson (Sheri Lynn), "Black Innocence and the White Jury", *Michigan Law Journal*, n° 83, June 1985, p. 1611-1708.

Kanazawa (Satoshi), "A Brief Note on a Further Refinement of the Condorcet Jury Theorem for Heterogeneous Groups", *Mathematical Social Sciences*, n° 35, 1998, p. 69-73.

Ladha (Krishna K.), "The Condorcet Jury Theorem, Free Speech, and Correlated Votes", *American Journal of Political Science* 36, August 1992, p. 617-634.

Ladha (Krishna K.) and Miller (Gary), "Political Discourse, Factions, and the General Will: Correlated Voting and Condorcet's Jury Theorem", Norman Schofield and Annette Mitford (eds), *Collective Decision-Making: Social Choice and Political Economy*, Boston, Kluwer, 1996.

List (Christian), "On the Significance of the Absolute Margin", *British Journal for the Philosophy of Science*, n° 55, 2004, p. 521-544.

Lublin (David), *The Paradox of Representation*, Princeton, Princeton University Press, 1997.

Owen (Guillermo), Grofman (Bernard) and Feld (Scott L.), "Proving a Distribution-Free Generalization of the Condorcet Jury Theorem", *Mathematical Social Sciences*, n° 17, 1989, p. 1-16.

Paroush (Jacob), "Stay Away from Fair Coins: A Condorcet Jury Theorem", *Social Choice and Welfare*, n° 15, 1998, p. 15-20.

Pitkin (Hanna Fenichel), *The Concept of Representation*, Berkeley, University of California Press, 1967.

Sen (Amartya), *Poverty and Famines: An Essay on Entitlement and Deprivation*, New York, Oxford University Press, 1983.

Stone (Peter), Review of *The Political Potential of Sortition* by Oliver Dowlen, *Philosophical Quarterly*, 60 (240), July 2010, p. 664-666.

Stone (Peter), "Bias, Committee Composition, and the Condorcet Jury Theorem", Paper presented at the Annual Meeting of the Public Choice Society, 2011a.

Stone (Peter), *The Luck of the Draw: The Role of Lotteries in Decision Making*, New York, Oxford University Press, 2011b.

Sutherland, (Keith), "A People's Parliament", Keith Sutherland, Ernest Callenbach, and Michael Phillips (eds), *A People's Parliament/A Citizen Legislature*, Exeter, Imprint Academic, 2008.

Sutherland (Keith), Callenbach (Ernest) and Phillips (Michael) (eds), *A People's Parliament/A Citizen Legislature*, Exeter, Imprint Academic, 2008.

Swain (Carol M.), *Black Faces, Black Interests: The Representation of African Americans in Congress*, Cambridge (MA), London, Harvard University Press, enlarged ed., 1995.

Waldron (Jeremy), *The Dignity of Legislation*, New York, Cambridge University Press, 1999.

Young (H. Peyton), "Condorcet's Theory of Voting", *American Political Science Review*, 82 (4), December 1988, p. 1231-1244.

DIRECT DEMOCRACY AND PARTY SYSTEM: A BLIND SPOT OF SWISS INSTITUTION/DÉMOCRATIE DIRECTE ET SYSTÈME PARTISAN : UN POINT AVEUGLE DES INSTITUTIONS SUISSES

ANTOINE CHOLLET

1. DIRECT DEMOCRACY

Swiss citizens are the first users of direct democracy worldwide. At the national level, the number of referenda held in Switzerland between 1984 and 2009 accounts for 25% of the total of all referenda held in the world for the same period. If we count only the "citizen-initiated" referenda, to take Altman's distinction, this proportion increases to 50%[1]. This means that there is a constant and intense use of these mechanisms of direct democracy in Switzerland, very often on major political issues, and outside the complete control of any political elite (be it a political party, administration, lobby or government). We know that some American states, most significantly California, make even greater use of direct democracy, yet the fact that the decisions taken in such state referenda do not concern the major issues of state

[1] And even 60% if we add Liechtenstein to the list, see David Altman, *Direct Democracy Worldwide,* Cambridge, Cambridge university Press, 2011. For an extensive presentation of the Swiss case: Hanspeter Kriesi, *Direct Democratic Choice,* Lanham, Lexington, 2005.

sovereignty (foreign or military affairs, for instance) means they are less directly comparable to Switzerland. Nevertheless the argument should not lead us to consider that direct democracy has no relevance at a local level. On this matter, it is worth recalling that Swiss cantons and communes also make very intense use of direct democracy, and that referenda are even more frequent here than at the national level[2].

From the view point of the decision-making process, Swiss democracy is stronger than in all other contemporary polities (but not, it goes without saying, as strong as it was at some points in the past; one can think of Ancient Athens, or Florence in the 14th and 15th century, or even about the Roman Republic, and perhaps also about some Swiss rural communities in the Middle Ages, in order to grasp the huge difference between then and now). In Switzerland the people (that is: the citizens) can nearly always have the last word on important matters. There are numerous shortcomings about this principle, as one can easily imagine, but the principle itself has held up remarkably well since the introduction of mechanisms of direct democracy in the Swiss constitution (in 1848 for constitutional referenda, 1874 for legislative referenda, and 1891 for popular initiatives)[3].

2. ELECTIONS

The fuzzy question is, granted that the decision-making process is very democratic: why are the procedures for selecting officials so trivially representative in Switzerland? All members of parliaments, even at a communal level (sometimes for

[2] Unfortunately I know of no systematic study of the direct democratic mechanisms of Swiss cantons and communes compared to American ones. Altman stays at the national level, and most Swiss studies do not examine the cantonal practices in detail. We can still rely on Benjamin Barber, *The Death of Communal Liberty*, Princeton, Princeton University Press, 1974, to provide us with some important information, but the Graubünden canton, which is the main topic of his study, has been a very peculiar one all along the history of Swiss communities. From a historical perspective dealing with four cantons and the federal level, one must also mention: Pierre-Antoine Schorderet, *Élire, voter, signer*, thèse de science politique, universités de Lausanne et Paris I, 2005.

[3] I will not discuss these shortcomings here, having emphasized some of them elsewhere, Antoine Chollet, “La partecipazione in una democrazia ‘diretta’: il caso della Svizzera”, Alessandra Valastro (ed.), *Le Regole della democrazia partecipativa*, Naples, Jovene, 2010, p. 117-138; Antoine Chollet, *Défendre la démocratie directe*, Lausanne, PPUR, 2011, p. 110-113. I should add that most criticisms of Swiss direct democracy are made from a more or less explicit antidemocratic stance.

communities of a few dozen people), are elected; executive branches at all levels are elected, directly or indirectly (as it is the case for the national government); officials in the various administrations are usually designated by governing authorities, and sometimes, but very rarely, elected by parliaments. The only feature that would be closer to democratic ideals is the quasi ubiquity of collegiate executives in Switzerland. There is hardly a community where the mayor or president is pre-eminent amongst his or her colleagues. This is notable at the national level where the president of the Swiss confederation is appointed by rotation among the seven members of the executive (the "federal council") for just one year, and has few prerogative powers or privileges except that of presiding over the weekly meetings of the federal council. The rules only specify that no Federal Councillor can be president for more than one year at a time, but it has become a customary rule that the president is elected by the parliament according to the number of years he or she has spent in office[4].

Thus in Switzerland, it is as if the nature of the "commissaires" (to use Rousseau's word in *Du contrat social*) and the way to designate them had little or no importance because the people can decide – or at least have the last word – on major issues, and because major issues are determined by the people itself, and not by the commissaires (needless to say, this makes a very important difference)[5]. To put this another way, Swiss institutions embody a very democratic principle: conflicts should arise between issues and opinions, not between the candidates for various offices.

From the perspective of sortition, Switzerland is therefore a purely electoral system, completely controlled by political parties at the cantonal and national levels (in small communes all officials are usually members of a sort of "communal entente," organized above political divergences). Thus the strange way that sortition became consigned to oblivion that Manin and Sintomer describe also affected

[4] In the 19th and the beginning of the 20th century, the president could not leave the country during his one-year office, for security reasons.

[5] Barber notes the same feature: "The Swiss seem less interested in the power of offices and the personality of officeholders than the citizens of other less direct democracies. The collegiate federal executive with its anonymous rotating presidency continues to embody this predilection of direct democracy for treating the citizenry as the real government and the elected governors as powerless attendants." Benjamin Barber*, The Death of Communal Liberty,* p. 176)

Switzerland[6]. However, from the perspective of the power vested in the people, Switzerland is very much closer to a direct democracy (yet without being one, obviously) than most countries in the world today.

3. CONSULTATIVE DEMOCRACY

Yet we also know that, since the end of the 18th century at least, the practice of using sortition to designate officials or members of the legislative or executive branches, disappeared nearly everywhere, and went out of fashion as a theoretical argument. Sortition is primarily seen today, when it is acknowledged, as a way to select juries, citizens' committees, panels, etc. – that is in areas of participatory democracy that do not wield explicit power[7]. At this point the question becomes more difficult since Switzerland does not use any of these devices either. Very strict official consultation procedures are held before any law of importance is passed, but these mainly concern the major constituted interest groups (business and workers' unions, associations, political parties, etc.). No sortition of any kind is included in this phase of the legislative process. As it is the case with officials, the fact that citizens can have the last word on any substantial piece of legislation seems to make democratic consultation before the final vote less crucial for the people, or for advocates of democracy. Indeed citizens can always veto the laws, and frequently do when they are asked (nearly half of all laws attacked by referendum since 1874 failed to get popular approval). In other words, why demand a system of weak participation when one has a strong veto power that forces all political actors to anticipate the "will of the people"?

[6] See Bernard Manin, *Principes du gouvernement représentatif*, Paris, Calmann-Lévy, 1995, p. 108-124; Yves Sintomer, *Le Pouvoir au peuple*, Paris, La Découverte, 2007, p. 59-66.

[7] In an important comment Sintomer notes for instance that "[u]p to 2009, no law has made sortition mandatory beyond the judicial domain". Yves Sintomer, "Random Selection and Deliberative Democracy," Gil Delannoi and Oliver Dowlen (ed.), *Sortition, Theory and Practice*, Exeter, Imprint Academic, 2010, p. 42)

4. PARTY SYSTEM

Swiss parties are recognizable for their extreme stability, the fact that it is impossible for any of them to get a majority on their own, and their extensive decentralization. In Switzerland political parties are first and foremost cantonal organizations before being national ones (This distinction applies despite the recent new centralisation of the Swiss People's Party and similar, though less comprehensive, changes to the Social Democratic Party.) The party system can be very different from one canton to another. The most flagrant example of this is the almost complete absence of the Christian-democratic party, one of the main parties on the national scene and by far the most powerful party in most catholic cantons, from protestant cantons such as Vaud, Zurich or Bern. Since the introduction of the proportional vote for national elections in 1919, the left (the Social-Democratic Party, reinforced by the Green Party since the 1990s) has stayed at a remarkably stable level, between 25 and 30%. The overall stability of the different parties – slightly modified these last years by the successive wins of the Swiss People's Party (SVP)[8] – explains, to a large extent, the citizens' common disinterest in elections. Participation is regularly lower for these (about 40%, although there has been an increase in the 2000s) than for referenda (where it ranges from less than 30% for unimportant issues to nearly 80% for major ones). Votes for parties are mostly traditional, built on local solidarities and networks (business, associations, unions, etc.), and this gives Switzerland, as far as parties are concerned, a very anachronistic appearance, somewhat reminiscent of 19th century politics when politics was not about television and spin, but about parts of society controlled by one party or another (what Manin analyses as "parlementarianism"[9]). In Switzerland one of the major effects of direct democracy has been to leave party campaigning aside, as if, as Barber says, citizens did not really care (but do they?)

[8] SVP was the fourth party in the national parliament at the beginning of the 1990s, and is now the first one, with nearly 30% of the votes. But one must add that the right/left proportion was left almost unchanged by the wins of the SVP, remaining around a 70%/30% ratio.
[9] Bernard Manin, *Principes du gouvernement représentatif*, p. 259-264.

As Dowlen asserts, sortition is in many respects an anti-partisan institutional device[10]. Swiss institutions show that there is another important democratic anti-partisan institution, which is direct democracy. But while sortition is concerned with officials, and more broadly with people, direct democracy deals exclusively with issues (or, to use an all-too-naïve distinction, democracy is extended to politics in the first instance, and to policy in the second). I believe that, in current conditions, the democratization of the decisions on political issues should be the first priority for a democratic political struggle, but I immediately add that it cannot be considered as sufficient. Democratization of the method of selecting office holders is crucial, as Ancient Republics show (see the examples of Athens and Florence). We have to add however that sortition is not necessarily democratic, since it can very well be used in a purely aristocratic model (in this respect the example of Venice is paramount).

5. DEMOCRATIZATION

Representative government can and should be democratized in two ways: by giving power back to the citizens through frequent votes on important issues, and through an extensive use of sortition in the political world. I see at least three main spheres where sortition could easily be used in order to democratize a representative regime. First, sortition could be developed inside the system itself, the parliament, the administration and the parties (at least those advocating for more democracy, which does not mean all of them, obviously), without however transforming the representative nature of the system. One could imagine a lottery for the names of the committee members in a parliament, or for the order of names in electoral lists[11]. But even if priority was given to reforms in this first sphere, sortition-based schemes of this type would almost certainly be opposed by advocates of representative government and political parties. Indeed these forces almost seem to be designed to oppose the introduction of lot and sortition. Their intrinsic opposition to the fundamental principles behind the practice of sortition is such that only a crisis

[10] See Oliver Dowlen, "Sortition and Liberal Democracy," Gil Delannoi and Oliver Dowlen (ed.), *Sortition, Theory and Practice*, p. 63-64.
[11] This is a proposition also made, for the European institutions, by Hubertus Buchstein and Michael Hein, "Randomizing Europe," Gil Delannoi, Oliver Dowlen, *Sortition, op. cit.*, p. 141-145.

could force them to change their minds. As Manin or Wolin say, representative government was imagined and built against democracy, nor in favour of it[12].

The second sphere would be in the complex area of accountability, which I understand here as the evaluation of the magistrates once their mandate is over. Citizen's Juries with significant and real powers should be used to examine the conduct of magistrates, and these powers should include those of ordering full financial compensation, if necessary, or rendering a magistrate ineligible for office for a certain period. Because the need for impartiality and the need to prevent bribery amongst serving members of any accountability committee are absolutely central to these procedures, sortition seems well suited to make them work correctly.

Finally, one should never forget that democracy is not a purely national device, but that it must be firmly grounded on a local level in order to have some reality at a larger one. In communes, towns, neighborhood and so forth, direct democracy as well as sortition could be used on a very large number of occasions. Although it is clear that France or the United States, or even Switzerland, cannot be ruled in the manner of Ancient Athens, it would be quite possible to run towns or cities in these countries along similar lines (The main criteria here is that of size, and this holds true despite the possibility that modern technology could be used to operate large scale direct democratic schemes in a manner unthinkable in Antiquity or the Middle Ages).

In conclusion I would add a small remark about the final aims and objectives behind the use of sortition. In some texts I have the feeling that stability, harmony, absence of conflicts and peace are seen as the most interesting consequences of sortition in human affairs. In other words, it is presented as a way of promoting order against disorder[13]. I would argue differently, by saying that democracy is always in disorder, that it is one of its most salient and politically relevant qualities, and that democrats must cherish it. The final aim of sortition is first and foremost to promote

[12] Bernard Manin, *op. cit.*, Sheldon Wolin, *Democracy Inc.*, Princeton, Princeton University Press, 2008, p. 278-283.
[13] Jean-Pierre Dupuy, "La loterie à Babylone," *Le Débat*, 19 (2), 2002, p. 4-19.

equality, not order. So if the use of sortition leads to some disorder in our institutions, it would thus be another proof of its potentially genuine democratic nature.

WHO? AND *HOW?* SORTITION, DEMOCRACY AND GOOD GOVERNEMENT

OLIVER DOWEN

The purpose of this paper is to draw a distinction between the question of "who governs?" the essential democratic question, and "how is government conducted?" – the central question behind good government. Within the study of what sortition can and can't do this antithesis acts as a framework for investigation: a means by which we can explore political relationships and re-examine our inherited definitions. The distinction between *who?* and *how?* is not a totally artificial theoretical construct, however. It is a distinction that is a reflection of an objective difference between the nature of an agency and the nature of the action taken by an agency. Sometimes this distinction is less marked and the nature of an action can be seen as a direct consequence of the nature of the person or people responsible for that action. Sometimes the opposite can be true. In both cases a theoretical distinction is useful because it enables us to understand what is happening with greater insight.

Democracy in its ancient definition is identified exclusively in respect to the question *who?* The democratic answer "the many" distinguishes this form of government from monarchy (the one) and aristocracy (the few) respectively. Sortition, in Aristotle and Herodotus (followed at a distance by Montesquieu) acts as a sort of explanatory adjunct to this. It is a small *how?* "By sortition" is an answer to

the question “how do the democrats do it”. “By election” the equivalent for the aristocrats. I describe this as a small *how?* because its focus is on how this particular category of constitution is maintained rather than addressing the question of how sortition contributes to government and the political process in general. At another level we can see this merely as an observation of the co-habitation of two factors in Ancient Athens: democracy (rule by the assembled *demos*) plus the systematic use of sortition . There is certainly nothing in the surviving or subsequent literature that establishes a full causal relationship between the two. The aristocratic assertion that lotteries choose people irrespective of their ability pays no attention to how in any lottery design for the allocation of public office the nature of the pool has to correspond to the demands of the post. Likewise the claim that elections will necessarily produce rule by the best is simplistic and rhetorical.

Aristotle, in fact, is remarkably silent about the all-round potential of sortition in a general political sense. He spends time and energy defining democracy in terms of the prevalence of sortition in the body politic but only gives us one small indication of the more general political role of sortition: his mention of the use of sortition to prevent electoral intrigue in Heraea[1].

To this ancient misleading story we must now add a modern twist. If we take the ancient definition of democracy – based as it is on the question of *who?* – there is, of course, no modern democratic state where the modern equivalent of the *demos* plays a similarly active role in government. What we do have, however, is form of government with the name derived from the *who?* question that is, in fact, defined in respect to a number of criteria based on *how* government and political activity in general is conducted. These include the separation of powers, periodic consent by elections, an independent judiciary, observance of human rights, freedom of political expression[2].

[1] Pol V. iii § 9. Aristotle (1946) p. 210.
[2] See Spectator criteria.

In the absence of guidance from the past, or from the present, we now turn to the lottery process itself, and to modern lottery theory. If we separate the rational elements of the lottery design from the central defining feature of the lottery – the blind break – it is clear that it is here in these pre-lottery decisions that the question of *who governs?* is largely determined. A small, select pool for the draws for office will create a body politic of a largely aristocratic nature. A citizen-wide pool will create one of a more democratic complexion. We can presume from this that another political function is addressed by the blind break. Thus our focus shifts to the much harder question of what the essentially arational procedure of sortition can offer to the question of how government is conducted.

One way of looking at this is to take a hypothetical example where the same "pool-forming" process is common to both a sortive scheme and an elective or appointment-based scheme. In the latter options the *who?* question continues through a process of screening from the choice of who is to be in the original pool right up to the final outcome – the selection of an individual office-holder. In the elective process, for instance, numerous party selection meetings usually precede the selection of the candidate. Most appointment procedures also go through several stages. In these processes we presume that the same type of judgement; "who do I think will do the job best?" is going to occur amongst different electoral or appointing groups at different stages. (I say "presume" because voters can, of course, vote for a candidate for any reason and interviewers can, in theory, base their choice on other criteria than the candidate's suitability, even if they usually don't.)

In a sortive scheme, however, no reason – good or bad – enters the central, essential part of the procedure. Thus the human judgement of who will do the job well, (a laudable reason) is excluded along with other, less desirable, reasons – such as he/she owes me a favour – he/she has paid me lots of money etc. A lottery is chosen because the exclusion of the bad reasons is more useful than the loss of the

good reasons. (Following Stone) Thus a value judgement about *how* the process of selection should operate is present when a sortive scheme is used with an intensity and immediacy that is absent from election or appointment.. These consideration are, of course, part of the full processes of election and appointment in the form of the various control features that are used to prevent bribery, favouritism etc. With sortition, however, this consideration of *how* the process is conducted is central to the mechanism itself and central to the decision to use it.

From this we can see the contribution of sortition to the conduct of government lies in its capacity to banish – or at least diminish – certain anti-political vices and develop certain political virtues. Our understanding of this capacity therefore depends on how these vices and virtues are defined.

As well as excluding reasons from decision making, a lottery, because it is a mechanical, non-human process, also excludes all other human attributes from its operation. There is no love, fear, hate, pride, prejudice, calculation etc. affecting a lottery decision. Two particular qualities from the range of non-human attributes of the lottery suggest themselves as pertinent to the task of defending the political process. The first is the capacity for sortition to prevent wilful interference; the second is the fact that amongst the human attributes that are excluded form a lottery is the human agency of decision-making itself. No individual or collective agency can be identifiable as the direct author of a lottery decision.

When sortition is used in comparison with election or appointment, the choice is direct and un-mediated. No-one can interfere with the process unless they interfere with the lottery draw itself. This non-interference means that the power of appointment cannot be used easily by any political agent to promote his or her own (good or bad) interests. By protecting the selection in this way sortition can operate against a range of political vices, starting with inhibiting corruption at a local or individual level and ending with inhibiting the ambitions of factional leaders or would

be tyrants. It has traditionally been part of a range of measures deployed to these ends.

If these are the ultimate enemies of the political process, what of the values that sortition might be called upon to protect? I understand the political process to be initially and ultimately concerned with the establishment and defence of agreed, rule-governed procedures and institutions through which collective decision-making can be developed. My claim, therefore, is that to achieve this task it is necessary to include measures that deliberately counteract the concentration of extra-political personal or partisan power. Extra-political in this context refers firstly to those who wish to operate outside the agreed rule-governed framework, and secondly it refers to those who operate within the political system with the intention of overthrowing it. This second category includes the phenomenon of the disloyal opposition.

Here within the general context of a concern with the conduct of the political process we have issues of agency in the idea of the collective political entity and in the possible emergence of an undesirable partisan or potentially despotic agency. The specific issue of *how?* or political conduct, is expressed in the negative as not conceding control of the collective form of the political process to one part of the collective, and in the positive as creating institutions in which partisan interests can be legitimately expressed and resolved without endangering the process as a whole. There is much that can be developed and contested about this framework, but as it stands it expresses the most important political tasks to which sortition can be put and where it can make its major potential contribution to good government.

We can view the lottery as being suitable to this task for a number of reasons.

1. It has contractual potential. A lottery does not have to be consensual, but if all parties agree to hold a lottery it means that they also agree to accept the outcome. It can therefore easily bring parties into the same agreed process.

2. A lottery decision is an impartial decision. This can be understood as a decision that is not subject to partisan preference, but it can also be impartial in the more active political sense of not allowing any partisan element within the body politic to influence its outcome.

3. Because there is no active agent in a lottery, its use can help to establish a sense of shared authority in the procedural basis of government. In this respect the *who?* of a lottery decision is *nobody.* This means that it is easy to understand lottery-based institutions as belonging to all. A lottery decision can bring parties together in a way that demonstrates that no one party is controlling the process. In this respect it is possible to talk of a lottery as being "intrinsically political".

At the same time we can advance an important limitation or condition for the use of sortition. The quality of impartiality operates best within the political and judicial arena as a guarantee of *formal* probity. In a just polity there should be no difference in the procedural treatment of opposing parties. This should be distinguished from the *content* or substance of any judgement, which will favour one party over another according to the pre-ordained criteria. While sortition is a suitable mechanism for establishing procedural fairness, lotteries are less well suited for making the substantive decisions on which good government depends.

If we now turn back from *how?* to *who?* we can answer the "who should govern?" question negatively: i.e. by looking at the idea that sortition is used to help exclude specific sorts of people from government, or to make certain activities within government unprofitable for these people. If the virtuous political system seeks to defend the agreed rule-governed polity then those who wish to usurp the system should not govern or not be granted the means to pursue their ambitions once in office. Nor should those who wish to by-pass the rules for less ambitious personal gain have easy access to the procurement of office. In its defence of the polity (i.e. not the *stato*) the use of sortition makes sure that these people cannot operate the process of selection for their own benefit - at least without considerable difficulty. We

can therefore think of sortition as a mechanism that can be deployed in opposition to the anti-political few, the anti-political individual and the anti-political many.

In its role of defending the rule-governed, impartial political process the practice of sortition can generate the political conditions in which successively more citizens are able to take part in the body politic. It can create conditions where the pool can be gradually widened and the status of the offices augmented. We can think of this as a twin track dialogue between *who?* and *how?* – between democracy and a strong political process. The history of democratic consolidation in Athens is a particularly good example of this. The most important fact in this particular dialogue is that the *demos* was the body that respected and promoted the development of an impartial rule-governed political process. In the initial stages of what I call the proto-democracy (507 – 416 BC), this was in contrast to the predominantly partisan orientation of the larger aristocratic families. The institutions developed in Athens were inclusive and allowed all – including the rich – to participate. What these institutions did not do – and this applies particularly to those that used sortition – was to allow those with power and influence to use that power and influence unfairly. Where random selection took place this meant that there was a low threshold to political participation. By eliminating the influence of any pre-existing advantages this move towards improving the conduct of the selection process also increased the level of participation. In Athens, therefore, democratic development proceeded hand in hand with general political development. One of the mechanisms that was subtle and responsive enough to facilitate this development was sortition. It could establish inclusive, impartial institutions and could successively bring more citizens into the process of government.

A final lesson of this dialogue between democracy and good government is provided by the very different story of the Medici take over in Florence in 1434. The highest executive body in the city, the *Signoria* was selected every two months by a

curious system that involved random drawings from a pre-elected pool of candidates. This system had been in place since its inception in 1328 and was designed to prevent the dominance of any one family or alliance of families rather than as part of any more genuinely democratic or popular republican platform. During the intervening years changes to the number of those eligible took place from time to time. The peak of popular participation was reached in the early 1380s but this was in decline by the early 1430s. The Medici family had taken a long-term approach to the consolidation of their family's power in the city. Through a system of patronage and intimidation they were able to claim the allegiance of more and more of the lesser families and some of the larger family groupings. By 1434 they had a patronage system large enough to overcome the random procedure with sufficient regularity to have effective control over the *Signoria*. A minor crisis, in which a rival family, the Albizzi, sent Cosimo de Medici into exile, was resolved when a pro-Medici *Signoria* was drawn. Cosimo returned in triumph to take exclusive control of the city's institutions.

The Florentine *Scrutiny* and *Tratte* were never as democratic as the systems of sortition that operated in Ancient Athens. The system also used preference voting (in secret, with no public announcement of the results) which gave greater opportunities for bribery and interference. As a result (and in the absence of ostracism) it was easily compromised by a determined and powerful opponent. My point here is that in Athens we saw how good government and political development enabled and facilitated the rise of a more inclusive political system; in Florence, however, the lack of a wider pool meant that the system was vulnerable to take-over. In other words in these circumstances democratic development could have assisted in the defence of the shared political process.

I hope in this short and rather hurried paper, to have shown how the connection between sortition and democracy cannot be successfully understood without reference to the question of good government and the role of sortition in protecting

the impartial, inclusive, rule-governed political process. This reciprocal and symbiotic relationship between citizen participation and the conduct of government lies, I believe, at the heart of how we can understand the potential of sortition in modern conditions.

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ISSN-e 2114-6446