

# Sorted: Civic Lotteries and the Future of Public Participation

Oliver Dowlen

Introduction by

Michael MacKenzie  
and Peter MacLeod

In 2004 and 2006, two major democratic experiments took place in Canada's first and third most populous provinces. Two years later, this pamphlet explores the impact of Ontario and British Columbia's first Citizens' Assemblies by examining the premise on which each assembly was based: the use of sortition, or a "civic lottery" to select citizens to participate in a binding public process.

By examining the use of civic lotteries through history – a tradition that remains at the core of our judicial system – this pamphlet explains how sortition can lower the barrier to political participation and extend a meaningful new franchise to citizens wishing to serve their communities.

Against a backdrop of institutional and political stagnation, *Sorted: Civic lotteries and the future of public participation* makes the case for reviving a neglected democratic tradition – one that works in partnership with existing institutions and elected legislators to create a more powerful and direct role for citizens.

Just as public opinion became essential to governance in the 20th century, innovative forms of public engagement are essential in the 21st. MASS LBP understands this. They are shaping the next generation of thinking and working to reconnect people and politics.

– Michael Adams, founding president, Environics and author of *Sex in the Snow*, *Fire and Ice: The United States, Canada and the Myth of Converging Values* and *Unlikely Utopia: The Surprising Triumph of Canadian Pluralism*.

MASS LBP is reinventing  
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MASS LBP is a new kind of company that works with visionary governments and corporations to deepen and improve public consultation and engagement. We design impartial and fully transparent public learning processes that build awareness, consensus and insight.

MASS LBP provides an unparalleled range of consultation and engagement services for government, corporate and not-for-profit clients. From conception to execution to evaluation, MASS LBP delivers highly innovative engagement strategies that increase public understanding, legitimacy and support.


Our services include:

- comprehensive process design and delivery – from 20 to 200+ participants
- strategic advice, analysis and recommendations concerning effective public engagement and stakeholder consultation
- corporate and public needs assessment
- program evaluation and analysis
- custom research and dissemination
- facilitation and learning
- public communications and curriculum development
- event coordination and logistics

We regularly make presentations to audiences about our work concerning the future of responsible government, public systems design and civic engagement. We also offer seminars and related programming to clients on many of these themes.

Inspired by Canada's first Citizens' Assemblies, MASS LBP was founded in 2007 by Peter MacLeod and George Gosbee to extend this model and reinvent public consultation.

MASS LBP is based in Toronto, with associates in Vancouver, Ottawa and London, U.K.



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Just as public opinion became essential to governance in the 20th century, innovative forms of public engagement are essential in the 21st. This is because better-educated, more world-wise citizens no longer defer to institutional authorities and want to have a better understanding of and control over the decisions that affect their lives and the well-being of their communities. MASS LBP understands this. They are shaping the next generation of thinking and working to reconnect people and politics.

– Michael Adams, founding president, Environics and author of *Sex in the Snow*, *Fire and Ice: The United States, Canada and the Myth of Converging Values* and *Unlikely Utopia: The Surprising Triumph of Canadian Pluralism*.

MASS LBP is bringing new energy and an original approach to public policy in Canada. Their first publication deserves the attention of those inside and outside of government working to create a constructive and engaged role for citizens. They have begun to describe the contours of an important and emerging political project – one that seeks to renew our democratic institutions through active citizenship.

– David Zussman, Jarislowsky Chair in Public Sector Management, University of Ottawa

At a time when soulless technocracy and populist rhetoric vie for our attention and both leave us cold, nothing is more welcome than a fresh look at public engagement. MASS LBP outlines the many ways in which we can reinvigorate participation, reignite our enthusiasm for it and flex our democratic muscle. By experimenting with innovative tools for public participation and consultation, MASS LBP reminds us that democratic participation needs to be part of the fabric of our everyday life.

– Catherine Fieschi, Senior Associate, Demos, and Visiting Fellow, St Antony's, University of Oxford

The time has come for governments to rethink how they make policy and take decisions. The challenges we face are too complex for top-down planning. What's required is a new and open ethos that combines public input and expertise. An "open source policy framework" could leverage the most innovative ideas to help solve our greatest challenges. This pamphlet identifies civic lotteries and citizens' assemblies as part of that framework and as proven methods for engaging members of the public in the policy process. I believe these methods will go a long way to restoring trust in government and its relevance to citizens.

– Gabriel Sékaly, CEO, Institute of Public Administration of Canada

Good ideas don't capture hearts and minds by virtue of their own strength. Instead, innovations need champions who nurture, introduce and celebrate them. In *Sorted*, Oliver Dowlen plays this role for the neglected notion of civic lotteries. These are now receiving a second look thanks to the work of Ontario and British Columbia's first Citizens' Assemblies. Dowlen reminds us of the historical roots (and taken-for-granted contemporary use) of this practice, and he effectively shows how best to deploy a civic lottery in contemporary politics.

– Professor John Gastil, Departments of Communication and Political Science, University of Washington, and author of *Political Communication and Deliberation* and editor with Peter Levine of *The Deliberative Democracy Handbook*

*Sorted* reminds us that lotteries are not just for charity raffles and cash prizes – they are also an overlooked alternative for political selection. This important work outlines the key arguments for and against, while also providing an entertaining and sweeping exposé of the history of political lotteries, from ancient Athens to the modern jury system. I hope that *Sorted* marks the first of many valuable contributions from MASS LBP to the field of public engagement.

– Edward Andersson, Head of Practice, Involve

This pamphlet is dedicated to the members of Ontario's and British Columbia's first Citizens' Assemblies – as well as to the more than 8,000 citizens who volunteered to serve their province.

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# Contents

13	Introduction
21	Author's Summary
23	The Citizen's Dilemma
27	Understanding Sortition
29	The Blind Break
32	The Athenian Experience
36	The Florentine Republicans
38	Reforming the English Jury
40	The Past and Future of Sortition
47	Unnecessary Uses
50	Developing the Civic-Lot: Machiavelli and Lesueur
53	Civic Lotteries and the Modern Polity
56	Principles for Designing Civic Lotteries
63	Acknowledgments
64	Endnotes
65	Further Reading
66	Selected Bibliography
68	About the Author



## Introduction

In May 2006, a letter from the Government of Ontario arrived in Donna Rasiuk Tichonchuk's mailbox. Donna didn't think much of it at the time. She thought it was probably a standard notice either requesting information or informing her about changes to a government service. Instead, it was something entirely different. Three months later, it would change the next 18 months of her life.

The letter Donna received told her that her name was one of 125,000 other names that had been randomly identified from the province's registry of voters. Donna had won the first stage of Ontario's two-stage civic lottery to select members for a new kind of public body. The letter made the news and her invitation official. She was now eligible to put her name forward for the second round of the lottery, which would select one citizen from each of the province's 103 electoral districts. These citizens would become members of the province's first Citizens' Assembly – an independent commission created by the government to recommend whether Ontario should revise its electoral system.

Like many of the citizens who had received the government's invitation that week, Donna was skeptical. More than 10,000 citizens in her electoral district had received letters – but she didn't know any of them, and she couldn't find any mention of the Citizens' Assembly in the local newspaper. It seemed as if the letter had fallen out of the sky. Though she always voted and considered herself reasonably well informed, she didn't think of herself as especially political – much less an expert on electoral reform.

Donna thought about it for a few days and consulted with her family and friends. If she was chosen, she would be giving up a lot of time usually spent with her family. The letter explained that the Assembly would convene every second weekend for nine months at York University in Toronto. In total, she would need to dedicate an incredible 800 hours to

the work of the commission. She didn't like the idea of being away, but she was struck by the invitation. She had never been called for jury service and couldn't help but feel a twinge of civic duty. She decided that the opportunity to serve her province was too important to pass up.

That same week Donna marked a different kind of X – one that confirmed her eligibility and asked that her name be advanced to the next stage of the lottery. Though the odds were long, she hoped her number would come up.

Two months later, at a special event near her home, Donna watched as the first member for a neighbouring district was called. Then suddenly she heard her own name announced. Donna had been named as the second confirmed member of the Assembly, representing the district of Scarborough-Centre. "I went home with a lightness in my step," she recalled. "I imagined I was in for something big."

### **Something big**

Some two years later, on the first anniversary of the conclusion of Ontario's electoral reform initiative, we decided the time was right to begin examining the legacy and potential future of Ontario's bold experiment. In the run-up to the referendum following the Citizens' Assembly's historic recommendation to change the province's electoral system, it was easy to lose sight of the fact that the process used to evaluate the province's electoral options was at least as revolutionary as the options themselves. Only once, in British Columbia two years before, had citizens been summoned by their government to serve as representatives and take charge of a process of such magnitude and public significance. A generation earlier, the notion of a Citizens' Assembly would have been unthinkable and largely confined to the political fringe; a Royal Commission or Special Legislative Committee would have been struck to perform the same service. Yet in 2004 and 2006, a highly original, citizen-centred initiative took shape in Canada's third and first most populous provinces.

By the time these assemblies concluded, with Ontario completing its process in the spring of 2007, nearly 150,000 Canadian citizens had received a letter such as Donna's inviting them to participate. More than 8,000 had volunteered to serve, and 261 Canadians had been granted the distinction to be formally appointed as members representing their riding alongside their provincial and federal colleagues. In the rush toward electoral reform – an option ultimately rejected in Ontario, but still an

ongoing possibility in British Columbia – it was easy to miss the second civic revolution now underway.

This revolution is still in its infancy, but it represents what is perhaps the most significant democratic innovation in Canada since the 1982 Constitution Act and the Charter of Rights and Freedoms. This is a bold claim, but at the very time when confidence and trust in public office and institutions have reached new lows and efforts at meaningful parliamentary and party reform remain stalled, we believe these experiments are highly instructive. They point toward an original and distinctly Canadian way to build new bridges, re-establishing critical bonds between people and politicians. Like the Charter, they have begun to redescribe the relationship between citizens and state in ways that will take many years to fully appreciate and understand.

What is not at issue or up for grabs, as some critics fear, is the primacy of elected representatives or legislatures. This deserves to be stated clearly and unequivocally. Citizens' Assemblies and other democratic processes based on participation by randomly selected citizens serve just two specific functions.

Like both Assemblies on Electoral Reform, their first function is advisory. Citizens' Assemblies and similar policy juries used in several European countries supply impartial and informed advice from a representative cohort of citizens able to weigh multiple perspectives and to suggest a course of action. In this way, they provide supplementary advice to government and, like a Royal Commission, assist legislatures with their deliberations.

Their second and more provocative function – a process referred to as sortition by academics and a term we use interchangeably with the idea of civic lotteries throughout this pamphlet – could help to fill the thousands of oversight and non-specialized public appointments routinely made by federal and provincial executive councils and by municipalities and other public boards and agencies across Canada. Civic lotteries would be a very different and radical response to the growing interest in finding better and more meaningful ways to engage citizens in public life. They would certainly go far further than the many efforts that aim to reanimate public life by boosting voter turnout.

In each case we believe the principle of sortition is a highly consistent and natural extension to our long-evolving parliamentary system, in which the exercise of sovereignty has flowed outwards from the Crown to an ever-widening array of citizens formally sanctioned to deliberate and

act with the Crown's consent. From Royal Courts to Legislative Councils, to Parliaments and Legislative Assemblies, Citizens' Assemblies and civic lotteries again lower the barrier to political participation and extend a meaningful franchise to those who wish to serve their communities and share in the privilege of government.

Canadians have proven that they have a limited appetite for a democratic politics whose only horizon is the pursuit of electoral, senate and constitutional reform. We should strongly reject the idea that we have reached the endpoint of our democratic evolution and that the future includes nothing more than gradual refinements to existing institutions. These reforms may ultimately be necessary, but they are neither sufficient nor adequate heirs to the best of Canada's imaginative and reformist political tradition. The idea of using civic lotteries to bring more citizens into contact with government and its myriad institutions should appeal to democracy-minded reformers on both the left and the right.

### **Democratic innovation**

Many of us who were involved with the Ontario Citizens' Assembly on Electoral Reform as members, staff, researchers and observers believe that similar citizen-centred processes can be used to assess a wide range of policy issues. This belief is the genesis of MASS LBP, a new kind of company that is working with governments in Canada and abroad to strengthen public consultation processes by applying many of the same principles used by the Citizens' Assemblies.

This pamphlet is an important part of our work to strengthen parliamentary democracy by identifying and amplifying the future trends that stand to influence our system of government. Over time, new pamphlets will be added and this collection will grow. For now, we felt it made sense to focus on one of the most promising but also contentious aspects of the assembly process: the use of sortition.

We are very pleased that Oliver Dowlen agreed to write this pamphlet for MASS LBP. Dowlen recently completed his Ph.D. in politics at the University of Oxford. His dissertation, *The Political Potential of Sortition*, was published earlier this year by Imprint Academic.

As Dowlen recounts, the concept of sortition may feel unfamiliar, but it has, in fact, a long history deeply intertwined with the Western democratic tradition. Random selection was used in ancient Athens to select the 500 members of the boule and for many other political positions, including municipal magistrates, prison officials, public auditors and

jurors. Random selection was again used in Italian city republics in the Middle Ages and in England and its American colonies in the seventeenth and eighteenth centuries.

The principle survives today in the form of a "jury of one's peers" – randomly selected citizens who provide an integral component of our judicial architecture. The idea that any citizen could be called to sit with others in judgment of another citizen is one of our society's great democratic achievements. It's an idea that is not only accepted, but defended without exception.

These examples of civic lotteries raise two questions: Why has the principle of random selection re-emerged so consistently over the course of three millennia? Why is it not used more often, and in more contexts, by modern democratic states?

Perhaps the most obvious answer to the first question is that random selection is an intuitive and relatively simple way to make difficult decisions fairly. Children spin bottles and friends toss coins. As Dowlen explains, one of the advantages of random processes is that they are impartial; individual preferences, opinions, biases, preformed opinions and prejudices are excluded from the decision-making process.

A partial answer to the second question is that throughout history powerful political actors, such as the Medicis in Renaissance Florence, have worked to resist and undermine the principle of sortition. The radical impartiality of sortition, in which political responsibility is diffused across the citizenry, makes it difficult for established interests to reproduce their political dominance.

But sortition is not only about challenging established interests. The use of random selection to empower citizen representatives can also complement and strengthen the mandate of elected representatives. For elected representatives and public agencies in mature democracies that struggle to temper excessive partisanship and achieve broad political consensus, sortition can be a powerful tool to better assess what it is their constituents want while increasing public awareness and support.

### **The future of public participation**

Despite our country's commitment to democratic government, most of its citizens are not routinely engaged in the democratic process. Electoral turnout and party membership, both standard measures of political participation, have declined precipitously. Increasingly, citizens prefer to use their time and money to support interest groups and non-governmental

organizations. According to Statistics Canada, nearly half the Canadian population is involved in community organizations, while only 2% of citizens are members of registered political parties. The explosion of a new grassroots politics throughout the democratic world is laudable. It reassures us of the public's enduring appetite for exactly those things that formal politics has traditionally promised and delivered. But while civic activism is essential to any society's democratic health, it is no substitute for sustained engagement in formal politics and the institutions of government. As party memberships lapse and ballot boxes empty, this prolonged political recession leaves our democratic system more vulnerable to capture and oscillation and less likely to serve, in any meaningful and representative sense, the general interests of the population. In this way, we risk fuelling an already vicious circle as citizens search for alternatives while pulling away from a formal politics they no longer recognize or are prepared to endorse.

Canada's first Citizens' Assemblies offer us an opportunity to move the democratic agenda in a bold new direction. Better informed and connected, less deferential and uniquely capable of articulating their interests, Canada's citizens have changed while the political system that purports to represent them has failed to keep pace. In a sense, it feels increasingly as though politics and society have fallen out of sync. This is the conceptual or paradigmatic divide that separates the efforts of traditional politics to encourage more people to the polls and an approach that takes as its first purpose the democratic fitness and readiness of all citizens to share in the exercise and administration of government.

Today our conception of citizenship may be more sedentary than in ancient Athens, but it is also founded on a profoundly radical and quintessentially modern idea: that all people are equal in fundamental ways and possess inalienable rights. The application of this ideal to the business of politics is one of the principal forces animating our democratic evolution. But it's also an ideal that has always been forcefully resisted – often as much by those wanting to make common cause as by those who reject it outright. Meritocrats who seek qualifications and aristocrats who seek privilege will doubtless balk – as will democratic conservatives who resist the idea that citizens can successfully govern without the benefit and guidance of a carefully scrutinized elite.

This is the radicalism at the core of sortition: Because we take all citizens as equal, we act out the belief that their natural capacities and experiences are not so different that each cannot make a full and direct

contribution to the work of government. Energized by this commitment to the development of civic ability, we ask that all citizens share as both right and responsibility similar opportunities to exercise the privilege of public deliberation and authority.

It's here that our work begins. MASS LBP exists to reinvent public consultation because we believe that citizens not only want a say, but are ready to serve. The many focus groups, surveys and town halls that governments at all levels conduct are all too often inadequate to their task and fail to match the ability or intelligence of their citizen participants. We believe that progressive governments must redouble their efforts to tap this intelligence, recognizing it as an asset and, increasingly, as a requisite to political success.

Dowlen helps us in this task by reminding us of a forgotten democratic tradition. An emerging scholar in his field, he gives us examples of the wide and varied uses of civic lotteries through history. That each of these accounts play out against a backdrop of political change and institutional flux is itself an important lesson. By exploring the historical uses of sortition, we're reminded that even though we build our parliaments out of stone, politics rarely stands still.

## Author's Summary

This pamphlet is about the selection of public officers by lot and how the use of this mechanism (known as sortition) has the potential to produce lasting benefits to the relationship between citizens and the state. In particular, it can enable more citizens to participate in public office in a manner that is stable, organized, fair and equitable. It can bridge the gulf between the voting citizen and the professional political establishment and moderate the partisan excesses that currently distort electoral politics. Most significantly, it can establish a greater sense of ownership of the political process on the part of the citizenry.

This method of selection is not new, however. It was the mainstay of Athenian democracy and was rediscovered by the communes and city republics of late medieval northern Italy. In modern democracies it survives in the form of the randomly selected jury.

The central quality of a lottery decision is that it excludes all use of reason from the choice between options. It is therefore immune from wilful interference or manipulation. In political terms, this means that the selection of public officers cannot be controlled by those with power or influence. For this reason, civic lotteries can lower the threshold to political participation, inhibit the growth and operation of partisan factions and encourage greater habits of independence among the citizenry. Sortition can, however, be used inappropriately; therefore, civic lottery schemes need to be carefully designed, with clear objectives in mind.

This pamphlet describes a number of historical examples of civic lotteries and advances 11 points or principles that could contribute to the success of civic lottery design. These include the provision of education for would-be participants, payment for public duty and the maintenance of a balance between officers selected by lot and those chosen by preference election.

# The Citizen's Dilemma

In modern democracies, usually characterized by the terms *liberal* or *representative*, citizens are faced with an essential paradox or dilemma. On the one hand, the right to vote is the great touchstone of free government and of power vested in the people. On the other hand, the nature of the competitive electoral system and the persuasive capacity of the media mean that power is increasingly in the hands of party officials, their financial backers (known or unknown), lobby groups, media giants and so-called experts in public opinion. Although the public gets its “right to a voice” during election periods, the impact, meaning and quality of that voice are effectively diminished or channelled by other, often private, voices. These belong to the people who organize the political parties, set their tactical agendas and platforms, decide which issues or images should become uppermost in the public mind and generally process the way that politics is presented to the citizenry. The electoral process is vital to the ideals of democracy, but it is a process that has been cheapened, corrupted and distorted through the mediation of powerful and astute shapers of public opinion.

Most people sense this dilemma, but individuals react to it in different ways. Some go dutifully to the polls, recognizing that the people's collective consent and all it entails is at the heart of the age-old fight against tyranny and oppression. They claim that despite its imperfections, they have to use their constitutional right to vote or else it will be lost. Others stay at home – a phenomenon pejoratively described as “voter apathy” but that can also be understood as a natural and logical reaction on the part of many citizens to what they see as an irrelevant and patronizing charade.

I would argue that this is a symptom of a wider breakdown in the relationship between the citizen and the political process. While the introduction of the universal right to vote gave the wider population a

constitutional role they did not previously possess, we are now beginning to see the limitations of that constitutional role. To be more precise, we are seeing the problems that arise because voting is the only political role effectively available to the majority of citizens. The lack of a day-to-day engagement in politics by the citizenry at large causes a division to open up between those who govern and those who vote. Both sides of the divide suffer. The citizenry leave the business of government to a caste of professional politicians who are then, often unjustly, blamed for being out of touch. I would suggest that this derives from the tendency for professional politicians to become a closed group, more tied to their own partisan objectives than the general task of conducting and defending good government. We, the voting public, are not always aware of, or understanding toward, the difficult and responsible job that major political office-holders in a representative democracy are asked to do. The demands of constituency and party are often impossible to reconcile, and a Member of Parliament has to be both a larger-than-life media figure and a sympathetic listener to individual constituents.

The citizenry can feel alienated from the process of government; they can feel conspired against by those in power and their influential supporters or bypassed by the excessive competitiveness of the rival parties. They have, as a whole, little first-hand experience of how government works, or of the nature of governmental responsibility, on which to base their vote. Lacking political experience, they become pawns or statistical components in a war of rhetoric that is aimed at them – but for the sole purpose of gaining that all-important cross on the ballot paper. They tell the electoral canvasser: “I only see you when you want my vote.” And the canvasser knows it’s true.

This division between the voting public and a political sphere dominated by professionals is maintained because the political arena is almost impenetrable from below. Anyone who has tried to pursue a contentious or potentially embarrassing issue will know how quickly professional politicians, inured with the “habits of power,” will close ranks. Nor is the divide between the professional politician and the voting public easy to bridge. Entry into the political arena is almost exclusively via the medium of the organized political parties, and the quid pro quo for electoral support is that the candidate adheres to the collective party line on most issues. For the conscientious citizen who wants to serve the community as a whole and who wants to be able to

express his or her independent opinion, this can be too high a price to pay. In addition, the time and money required to fight a successful election puts politics beyond the reach of most citizens who have work to do and bills to pay.

Although the continued existence of political parties is often justified on the grounds they are organs of political education for the public, the education that most rank-and-file party members receive is highly partisan and based, ultimately, on maintaining electoral supremacy. The role of the ordinary party member has become primarily that of an electoral operative.

Public opinion can be a powerful but not always beneficent force in a modern democracy. Ill-informed public opinion – especially when manipulated and egged on by hostile voices from rival parties or within the media – and can make cruel and devastating misjudgments about the integrity of a genuinely publicly motivated office-holder. In the absence of a proper understanding of the responsibilities of government, the good can suffer along with the bad.

The main casualty of the division between those who vote and those who govern, however, is the political process itself. The need for votes or for popularity at all costs cheapens the language of politics. Style and charisma are preferred to substance and genuine argument. After all, from a party political perspective it matters not why a vote is obtained, only that it must be obtained. But what is most significant in terms of the arguments I am advancing is that the idea that politics is a process that *belongs to all* is almost absent from today’s public discourse. Despite the claims of those who see liberal democracy as enshrining the ideals of popular self-government, citizens have the impression that politics belongs to the political caste, that it is necessarily partisan, competitive, duplicitous, manipulative. Politics is a place for the talented, the zealous and the insensitive: the ambitious egoist or the self-sacrificing saint. It is a place where most of us would fear to tread.

I start this pamphlet, therefore, by identifying a need for democratic innovation. As long as voting remains the sole point of constitutional contact between the great majority of citizens and the body politic, we will find it difficult or impossible to develop any real sense of the common ownership of the political process. I would suggest that while the system of government by elected representatives is not necessarily corrupt, it is far more susceptible to the cankers of creeping self-interest, unconstitutional partisan opportunism or

procedural lassitude if the majority of citizens remain passively disconnected from the day-to-day activities of government. I would also suggest that the relationship between the citizen and the body politic would benefit if the partisan excesses of electoral politics were moderated by a greater active presence of independent citizens in government.

To strengthen the relationship between the citizen and the political process, I suggest we should give serious consideration to the reintroduction of random selection, or sortition, as a means of deciding who should hold office. I do not, however, advocate sortition in the place of election, but rather as a complement to office-holding by election, provided that sortition is properly understood and is used in appropriate and well-designed schemes. Above all, I argue that sortition can help to establish a special relationship between the individual citizen and the body politic – a relationship that is impossible if we rely exclusively on preference elections.

# Understanding Sortition

What is sortition? While an unfamiliar term to most, it is a long-established word that refers to the use of random selection or the drawing of lots to effect a decision. Lotteries can thus be used for serious purposes and not only for games of chance or other frivolous diversions.

The use of sortition to select public office-holders has had a long and distinguished history. It appears in ancient Athens as early as the seventh century BCE, and in the heyday of Athenian democracy it became the most important method of selecting public officers. In our Western political tradition, it emerges again in the late medieval period, principally in the city republics and communes of northern Italy, but also in other European locations. In this period it was usually used in conjunction with preference election: either enclaves of electors were selected by lot or officers were chosen by lot from pre-elected pools. It survives in modern Western democracies in the form of the randomly selected jury, an innovation dating from 1682 in South Carolina and from 1730 in England and Scotland.

What is remarkable about sortition as a means of selecting political officers is the consistency with which it was used and the length of time during which these lottery schemes operated. In Athens, sortition was used for more than 200 years; its use outlived the fall of democracy in 312 BCE. The Venetian lottery-based scheme remained virtually unchanged from its inception in the late thirteenth century up until the fall of the Republic in 1798. Even a little-known scheme in the British east coast port of Great Yarmouth lasted from 1490 until it was finally replaced in 1835. This all represents a considerable investment in sortition as a method of selection. Its longevity – longer in some instances than our current system of universal suffrage – indicates that the political communities that used it were, on the whole, happy with it.



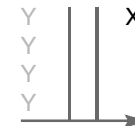
It is difficult to give precise reasons for its decline. Because of its links with democracy, it was never popular among aristocrats and was certainly attacked by anti-democrats on the grounds that its use prevented public officers from being chosen on the basis of merit. Those who believed in the primacy of reason and moral choice also had difficulty in accepting that important political decisions, such as who was to hold office, should be made by people chosen by lottery. One of the main reasons for its decline, however, was simply that practical knowledge of sortition died out when the regimes in which it was practised fell, and there were few written accounts that could communicate the details and value of its use to later generations.

This leaves modern commentators and advocates in some difficulty. Just what was the main function of sortition in this political role? What did it bring to the political communities in which it was used, and why was it considered so effective that they kept using it? If we are able to answer these questions, we can get a real idea of how sortition could be used in the modern world and what possible solutions it could provide to our current political problems. To find the answers, we first have to look more carefully at lotteries themselves and how they operate.

# The Blind Break

The lottery is a human invention. It is arguably on par with the making of fire or the wheel – although it is a social rather than a technological innovation. It had its origins in religious practice, probably because it took decision making out of the hands of any particular human agency and decisions could thus be seen as emanating from the supernatural. It was used consistently in ancient societies in religious settings and as a social tool to solve problems such as how to distribute goods, duties or even punishment.

For our purposes, it is useful to think of it as a tool that has a number of distinct characteristics. It can be applied well if those characteristics are used positively and purposefully; it can be applied badly if those characteristics and the needs of the job in hand are mismatched. The fundamental characteristic of a lottery is that it is a mechanical means of making decisions that deliberately excludes all human input; if anyone wilfully manipulates a lottery, it ceases to be a proper lottery. We can illustrate this central characteristic as follows:



On the left are the options. In a normal draw of numbers or names from a hat, these different options are converted into symbols (such as balls) that cannot be distinguished by the senses of the person making the draw. On the right is the chosen option.

In the centre is what I call the “blind break.” This is the area of a lottery from which all human differentiation and manipulation is deliberately excluded. Because lotteries are used to make decisions that

otherwise would be made by humans weighing the options, the most significant absence from this central zone of the lottery is that of human reason, or the rational.

We should therefore think of arationality as being at the heart of the lottery. I use the term *arational* in preference to *irrational* because we normally use the latter to denote flawed human judgment (an excess of emotion, for instance), rather than the mere absence of human judgment. A lottery, of course, excludes flawed reason along with its rational counterpart. The advantage of this term, therefore, is that it successfully communicates the neutrality of the lottery process along with the idea that all reason, or weighing of options, is eliminated.

Because a lottery is a decision-making process that is deliberately mechanical, a decision made by lot can be correctly described by any term that reflects this non-human quality. It is therefore unpredictable, impartial, amoral, unemotional and so on. There is no love in a lottery decision, but no hate either. Arationality is not the only accurate way of describing a lottery, but it is the most useful way. It is a term that encapsulates many other terms, such as amoral or impartial – all of which derive from the absence of human reason. It is also the most pointed way of comparing a lottery decision with a normal human decision.

Once we understand a lottery as an arational decision-making process and the blind break as an arational zone in the centre of rational pre-lottery and post-lottery decisions, numerous insights or perspectives on the operations of the lottery become possible.

To begin with, we can think of a lottery as a rational and purposeful means of using the arational, rather than merely a way of giving play to the actions of chance. It clearly does its job best in circumstances in which a virtue can be made of the arational blind break. A lottery will be less effective if it is used for a task that does not require or benefit from the use of an arational mechanism. In the field of politics, we can therefore start looking for circumstances in which this quality would be advantageous – where advantages would outweigh any possible disadvantages that might accrue from using an arational means of choice.

This analysis of the lottery procedure also helps us to differentiate the central arational action of a lottery from the rational pre-lottery decisions that define the size and nature of the pool and the role of the lottery winner.

The aristocratic argument that use of a lottery denies political

office to those with merit and specialist ability is actually an argument against bad lottery design rather than against lotteries per se. A good lottery design will match the general abilities of those in the pool with the requirements of the post for which the lottery is held. Roman Quaestors, for example, were assigned to their respective provinces by lot from a pool of those suitably qualified; Athenian magistrates, chosen by lot, worked in boards of 10 so that those with greater ability and experience could assist those with less. In these instances, rational design is used to address the question of suitability while the arational, random aspect of the selection process as a whole is retained.

# The Athenian Experience

While understanding how a lottery works can help us to focus our arguments, we only begin to get a real idea of what sortition could bring to modern politics when we apply this analysis to the past practice of sortition. On the one hand, this can help us to understand why lot was considered to be politically valuable; on the other hand, we can get some idea of how it was incorporated into different governmental institutions and procedures. This can help us to address the problem of how it could work in the context of modern constitutions.

The best example of sortition in action is undoubtedly ancient Athens.<sup>1</sup> Lot was used to select members of three out of the four major organs of Athenian government. The boule, a council of 500 members responsible for organizing the agendas for the Assembly and dealing with most matters of foreign policy on a day-to-day basis, was selected by lot on the basis of a quota from each deme, or local ward. Of the 700 magistrates who administered the city state (in the absence of an employed bureaucracy), 600 were selected by lot. The other 100 or so, mainly specialists such as generals or treasury officials, were directly elected by the Assembly. The dikasterion, or people's courts, used 201 citizens, or dikastai, for most private prosecutions and up to 2,501 for major public interest, judicial review or political cases. Dikastai would be selected by lot on the morning of the case in question from a pre-selected pool of 6,000 sworn citizens. Special lottery machines were used for this purpose. Once selected and assigned their courtroom by lot, dikastai would listen to timed speeches from the defence and prosecution and would vote for a verdict in favour of one or the other by secret ballot without consultation. This arrangement was also used for the legislative body, or nomothetai. In this case, however, the dikastai would listen to speeches for and against new laws. The only major organ of government not to use sortition was the Assembly itself. This

was open to all citizens to attend, and all citizens were entitled to speak.

Standing for any of these offices was voluntary, and most offices were also subject to some special qualification. The majority of offices were open only to the top three of the four Athenian economic classes, and some, especially treasury appointments, were only open to the highest economic class. Dikastai had to be more than 30 years old. Before entering office, all citizens had to have their citizenship checked. This procedure does not seem to have been used to counter the chance element of the lottery choice, because it was used in identical form for those seeking elected office. All offices save the elected magistrates were subject to yearly rotation. No one could hold office on successive years, no one could hold the same magisterial office twice and citizens could be members of the boule only twice in their lifetime. Elected magistrates could hold office for as long as they continued to be elected. In addition, every citizen could make an official denunciation of corruption against a serving magistrate in the courts and, in a similar manner, could challenge any Assembly decision as being unconstitutional or against the interests of the city state, or polis.

Athens was divided into 139 local demes, or wards, which were then grouped across geographical boundaries to form 10 tribes. These constituted the basic geo-political infrastructure of the polis, and all offices subject to lottery selection were apportioned evenly and fairly between the demes and tribes. The random nature of the lottery therefore operated within a rational, proportionate structure.

The result of these arrangements was an unprecedented (and, in fact, unsurpassed) level of citizen participation in the affairs of the polis. It also produced a unique form of shifting power that took account of the need for leadership and the value of individual initiative. Although only male Athenians could be registered as citizens, the category of citizenship did include both rich and poor. Political participation, the organization of Athens into demes and tribes and the consolidation of the status of citizen (by registration at the deme level) all took place as part of the same package of reforms – those of Kleisthenes in 507 and 508 BCE. It is likely that Kleisthenes also used random selection for his new boule of 500, but we do not know this for certain. We do know, however, that he introduced ostracism, the procedure by which powerful individuals could be sent into temporary exile by a popular vote.

We are told that Kleisthenes, who was a member of a powerful Athenian family, lost out to a rival, Isagoras, following a period when Athens was under despotic rule. He then took the *demos*, or ordinary Athenians, into his faction to secure his ascendancy. It would seem logical to suggest that the reforms were designed to cement his new alliance with the *demos* and prevent a restoration of tyranny or a drift into destructive factional unrest. What we get from these reforms is a new-look Athens that is unified and highly organized politically and militarily. At its centre is a powerful citizenry. These measures, in fact, set up the distinctly democratic direction that Athens took during the next century. This new direction involved the demotion of the ancient aristocratic council and further constitutional measures such as the development of the *dikasterion* and the randomly selected magistracy.

What this story shows us is how sortition seems to have been employed as part of a range of measures designed to prevent partisan cliques from building up inside the administrative apparatus or within the key institutions of government. Cliques would have constituted the greatest threat to the new political role of the *demos*. Here, the rational nature of a lottery decision is used positively to prevent anyone with power or influence from dominating the selection procedure. It is a rational step, taken against known dangers to the state or polis. In the circumstances of early fifth-century Athens, its primary role was to prevent the re-emergence of politics based on the aristocratic clubs that had previously dominated the appointment of public officers.

Elections, on the other hand, would have allowed local landowners or members of powerful families to exert their power in the procurement of votes over those with no education or few material resources. But while selection by lot favoured those with fewer resources or pre-existing advantages, at the same time it did not exclude local aristocrats; it merely ensured that their participation in public office did not amount to domination. It therefore pulled potential rivals into a unified political process and discouraged social divisions and electoral violence – whether emanating from democrat or aristocrat. For a modern-day example of the speed and ferocity with which electoral activity can divide a community, we have only to look at the recent events in Kenya and Zimbabwe.

I have told the story of the Athenian use of lot because it shows how the problems of inhibiting concentrations of power that might constitute a danger to a unified, open and shared political process lie at

the heart of the use of sortition. In Athens, this took a particular form that was based on the mass participation and vigilance of the citizen body. This led to the development that we now term democracy, but, as we have seen, Athenian democracy differs considerably from the type of modern polity that bears the same name.

# The Florentine Republicans

My next example comes from mid-fifteenth-century Florence – another cauldron of innovation that played a significant part in the shaping of our political world. In this case, the evidence of why lot was used is more concrete and compelling and the sense of political combat more palpable.

From the mid-thirteenth century up to 1434, Florence was a city republic ruled by a broad swath of citizens from the elite merchant and banking families.<sup>2</sup> Their rule was not uninterrupted, however, and during the late thirteenth and fourteenth centuries popular revolts led to periods when public office was also shared among citizens from the middle and sometimes even the lower end of the artisan class. To channel the claims of rival factions and warring families into some sort of shared political structure, the Florentines devised a complex electoral system based on the device of the electoral purse, or *borse*. Existing officers and appointees carried out a comprehensive secret ballot every three or four years during which they committed the names of all those elected into a series of bags, one for each *sesto*, or sixth, of the city. One name was drawn from each bag every two months to form the highest executive of the city, the *Signoria*. The scheme also included a procedure to ensure no two members of the same family ended up in the same batch of six names. With various changes and modifications, this scheme served regimes of either popular or oligarchic persuasion from its inception in 1328.

In the early fifteenth century, however, one *nouveau riche* family, the Medici, were able to develop a patronage system comprehensive enough to control the selection process. In 1434, they took power. To maintain control, the Medici adapted the selection process so it was no longer random and put in place a system of elected committees they could effectively manipulate by fear and favour. The semblance of

shared governance was thus maintained while the true levers of power remained hidden. The earlier dispensation of open discussion and free political debate rapidly disintegrated, and open criticism disappeared.

It was in these circumstances, in 1465, that a grouping managed to gain enough support to mount an open campaign for the restoration of a republican constitution. This group aroused considerable public interest and advanced a platform for political change. Their platform involved two main elements: the right to free political expression and the restoration of sortition. The Medici granted sortition for all offices save the *Signoria*, but before the final step could be taken, an extraordinary commission packed with Medici supporters was appointed, and the constitutional changes were halted.

This well-documented incident shows how sortition was advocated as a direct response to the arbitrary power of tyranny – particularly the way that power was exercised in the selection of political office-holders. The republican movement threatened to take this selection out of the hands of the Medici, replacing election, which was vulnerable to private or personal pressure, with sortition – an anonymous, arational and impartial process organized and administered by the shared entity itself: the republic. There can be no clearer indication of the value of sortition as a means of breaking up concentrations of power that could be (and in this case were) harmful to the development of open government and free political expression. It shows sortition playing a role in what could be a very modern political drama. And while we do not have evidence of similar battles in Athens, it is clear that a major political function of sortition lies in its ability to inhibit tyrannical and partisan power.

# Reforming the English Jury

In 1730, the British Parliament passed the Bill for Better Regulation of Juries. This stipulated that a list of all those liable for jury service was to be posted in each parish and that from this jury panels should be selected by lot when the time came to select juries. While the jury system was valued as a great example of justice vested in the community and in some key cases during the previous century had found against establishment opinion, this was not the thinking behind the act. The act's stipulated aim was to prevent middle-class citizens from evading their responsibilities by bribing the under-sheriff, whose job it was to select jury members. By the same token, it also prevented the sheriff from repeatedly calling those known to be good payers.

Prior to the act, the main means of ensuring the impartiality of the jury in respect to the interests of the defence and the prosecution was by allowing numerous challenges to the sheriff's original choice of panel. The new act, while not specifically aimed at establishing the jury's impartiality in this sense, nonetheless made a contribution in that direction. It did not make the jury an organ of community justice – arguably it already had that status – but it did reinforce the authority of the jury by guaranteeing its impartiality – at least at the point of selection. When the jury took on a pivotal role in the defence of freedom of expression in the late eighteenth century, acquitting writers and publishers prosecuted for criticizing the government, it was heralded as a key institution in the defence of political liberty. The fact that it was randomly selected was regarded as proof that it was a genuine reflection of the people's will.

What this example shows is how random selection can be used to organize the duties and responsibilities of the citizen body. That it does so in a way that excludes all partisan influence means that the state can, in this respect at least, be perceived and understood by its citizens as an

impartial or neutral entity. The randomly selected jury thus epitomizes the two-sided nature of citizen/state relationship. It demands responsibility, or potential responsibility, from all those in the citizen-wide pool; it is organized by the state, but at the same time the use of sortition signals that its members are not individually appointed by the state and will not necessarily act in the state's interests.

These three examples give us some indication of how sortition works. The key element is that the lottery is applied in ways that make a positive virtue of its arational essence – there is no question that a rational or preference-based means of selection could do the same job in the same circumstances. It fact, in all three contexts, lotteries are used to guard against the unique hazards that often arise when the selection of office-holders is left to the seemingly rational choice of individuals or groups of individuals. In Athens, the worry was that aristocratic cliques or factions would attempt to take over the polis; in Florence, sortition was used against the patronage system of the Medici; and in the case of the jury, sortition prevented the under-sheriff from controlling the selection of jurors. It also enabled the jury to be understood as a state institution, but one that was demonstrably impartial in respect to the choice of its members. In Athens, we can see sortition as acting in a constitutional context, surrounded by other measures such as rotation and the rights of individual citizens to bring cases to the dikasterion that supported the general aims of open, inclusive government. In the Florentine case, we see sortition in a combative role, advocated as a means of restoring open government by a republican movement well versed in what sortition could do. In the case of the jury, we can see how a measure designed to prevent low-level corruption has implications at a higher political level, namely of ensuring that, in the final analysis, justice lay with the citizenry.



# The Past and Future of Sortition

How, then, can we assess what benefits sortition brings to the modern political community, and how can we bring these ideas to bear on the problems facing the voting citizen that I raised earlier? First, we must isolate what I call the “primary political potential.” This is the function of sortition that is most closely linked to the specific task of selecting public officers, where maximum use is made of the blind break and where it has a fundamental political impact on the task to which it is applied. This also helps us to separate what sortition can do in all circumstances from what political benefits come as a later consequence and in the right supportive conditions.

A fundamental quality of a lottery, and one that was intuitively understood by most of those who used it successfully, is that it excludes all rational thought. Thus no one can influence a lottery decision to go in his or her favour: no persuasion, no scheming or no planning or preparation can be brought to bear with any sure sense that the outcome will reflect the effort. Similarly, no application of material or physical force will influence the result. The primary political potential of sortition, therefore, can be expressed as the ability of a lottery to prevent the selection of public officers from falling into the hands of any individual who might attempt to use it for his or her own ends. This function of lot operates at the highest level (against tyrants or potential tyrants), and it can also operate against the lowliest corrupt under-sheriff or the friend of the accused hoping to pack the jury. It is a means by which the irrationality of sortition is used against a known tendency for individuals or groups of individuals to seek power over the institutions that make decisions on behalf of the community – however large or small that community might be. When a group of fishermen, for instance, use a lottery to decide who will fish which area when, they are forming a rudimentary political community and defending it by making

rules and procedures to prevent one of their number from dominating the others. Even if the circumstances in which a lottery is held give little effective power to the participants, the lottery still acts to exclude the wilful interference of powerful individuals. Randomly selected jurors in a totalitarian state may have little effective voice against state orthodoxy, but the state cannot actually interfere with their selection without fixing the lottery.

This immediate exclusion of the powerful or well connected can engender a number of secondary benefits. To begin with, lotteries can develop patterns of increased citizen participation in government. To achieve this, a number of preconditions have to be in place before the lottery itself is brought into action. First, the citizen body has to be defined so that it is clear who is in the pool and who is not. In a liberal democracy, this can easily be achieved by using the register of electors. Second, a design decision has to be made about the office or offices made accessible to the citizenry in this way. It has to be recognized that while the citizen body can bring a great depth and diversity of ability and experience to the political arena, some preliminary education or training on the specific issue and constitutional responsibilities will always be required. The Athenians, for example, placed a high value on the integrity and honest commitment of their citizen office-holders. Nonetheless, they also significantly simplified the tasks of government so that all citizens could play an active part.

With these preconditions in place – and they are measures that could (I would argue should) be initiated and approved by the citizenry themselves – the use of the lottery then ensures that participation is fairly distributed. In the first instance, it does this by ensuring that individuals with greater resources, influence, wealth or power cannot dominate the process of selection. This is clearly not the case with preference election. This effectively lowers the threshold to participation. For the citizen, there is no costly or energy-draining campaign to run, no need to appease a party hierarchy or a potentially hostile press.

Any problems that might derive from greater and easier popular participation could be addressed by other, supportive measures. In the Athenian polis, for example, the relatively easy access to government was accompanied by a high expectation of appropriate behaviour in office. Upon leaving office, the citizen’s financial accounts were routinely checked, and there were severe penalties (including the loss of citizenship) if any impropriety was discovered. We also saw earlier how

any citizen had the right to denounce a sitting magistrate for corruption and could have the case heard at the dikasterion. (In these cases, the citizen bringing the charge would face a hefty fine if he did not receive a large enough portion of the final vote.) In our modern circumstances, the media, especially interactive elements and systems within the media, could have a very important role in supporting randomly selected citizens in office.

Greater citizen participation, therefore, can be encouraged and, more importantly, sustained by the use of lot. The random nature of the draw means that all members of the pool have a potential stake in the political system. The fact that those citizens in the pool that are not chosen on any one occasion might be chosen subsequently means that all are engaged in the process. In a citizen-wide scheme, this defines the citizen body in a particularly active sense: as those with the right to office. What lot does is to supply the effective means of exercising that right.

Because selection by lottery excludes interference or “mediation” by any third party, such as a political organization, party or faction, the relationship between the citizen who is “called” to office and the state that, effectively, does the calling is direct. The state, or polis, at the same time can be understood as genuinely impartial – at least in terms of the appointment of officers. These two factors create a very special relationship between the citizens and the body politic. In this respect, the political process can be understood as belonging to all – in that it belongs to no other party or interest group. What is more, the lottery process is unique in that it is not only impartial, but demonstrably impartial. A lottery held in public makes it clear that no one has interfered with the choice; it also contributes to the special relationship of citizen ownership by emphasizing the public nature of the body politic – the fact that these appointments are not made behind closed doors. This special relationship, this idea that the citizens themselves own the public process of appointment, cannot develop or can only develop with difficulty in a political environment dominated by competitive elections and political parties.

This special relationship between citizens and the polity is also augmented by a special relationship among citizens. In respect to the choice made mechanically by the lottery, all citizens are considered equal. This is not because they have equal qualities or abilities, but because the qualitative differences among them are temporarily suspended in

respect to the question of access to public office. This concurs with many of our ideas about fairness and fair play and can be seen as a direct consequence of the way a lottery prevents those with pre-existing advantages from dominating the process of choice.

If we view the political equality of all citizens as a fundamental principle in our democratic society, then the use of random selection for public office can be seen as a means by which that principle can be guaranteed and developed in practice. We should also realize that the very ideal of political equality is – at least in part – a legacy of the use of lot in Athens and in late medieval republicanism. By reclaiming the use of sortition, we are, in fact, reclaiming our political heritage.

While a lottery can assure citizens about the fairness of the procedure by which they might be chosen for office, it is not egalitarian in the sense of creating equal shares for all. Its results are random and it does not distribute proportionally. In most political schemes that use lotteries, a sense of equal distribution is achieved by the ratio-based device of rotation in office. I would describe rotation as the “twin” mechanism of sortition because it is a true rational foil to the irrationality of lot. The coin toss at the start of a football game to decide ends followed by the “rotation” at half-time is a good example of how we have come to accept this combination of mechanisms as fair and workable.

A further advantage of using sortition to select public officers is that it inhibits intrigue, corruption and covert factional activity. While it is always possible for a citizen to become corrupted or to take bribes once in office, the fact that he or she owes their office to no one means there is no one in the potential position to call in the favour at a later date. Because a lottery is unpredictable, making plans and schemes is subject to diminishing returns. In a great number of instances where lot was used, it was in response to electoral violence or partisan irregularity. This was certainly the case in the many Italian communes in the late medieval period that used lotteries in conjunction with preference elections – often through the selection of enclaves of electors or groups of nominators. The arrangement in Great Yarmouth fits this category.

The fact that no party has control over a lottery also enables sortition to play an important role in conflict resolution or the initial consolidation of new political arrangements between previous rivals. In James Harrington’s seventeenth-century model constitution for England, *Oceana*, he suggests that military officers should be assigned their regiments by lot. At the time *Oceana* was written, Britain was just



recovering from a disastrous civil war, and under Cromwell's military dictatorship many sensed that more bloodshed was in the offing. The idea of diffusing military power by using sortition was clearly meant to illustrate how potential rivals could be brought into a common political process and instilled with a shared sense of duty to a new impartial constitution.

Because all human qualities are excluded from a decision taken by lot, selection of political officers by these means diminishes the role played by anger, revenge, hatred or any other passion in the active pursuit of political aims. For this reason, sortition can play a vital role when reconciliation is required or when an electoral backlash might irrationally deny office to worthy candidates. Because there is no competition in a lottery system, less play is given to the excesses of competitive zeal that plague elective systems. Those failing to gain office would harbour fewer grudges knowing that no one actively excluded or rejected them for any reason.

A further secondary benefit is to be found in the idea of independence. Because citizens selected into office have no ties of dependency, they are more likely to make independent judgments while holding office than those elected on a party ticket. Free of the short-term need to win elections, they are more likely to make decisions in the long-term interests of the polity. Most constitutions that made widespread use of sortition outlawed political parties and most of those who advocated the use of lot to select office-holders expected those who were selected in this way to act as independent citizens. This is not to say that Athenian, Florentine or Venetian politics were not underpinned by covert factional activity, but overt partisanship was considered dangerous, if not destructive, to the common peace and thus it was banned from the public offices and political institutions. While it would be difficult to imagine this state of affairs in our modern democracies, it is arguable that if a greater number or proportion of independent citizens became involved in politics, this could help to create a more responsive, less obviously partisan body politic.

One of the benefits of a citizen-wide lottery scheme for public office is the range and diversity of those selected and the value they bring to the political process. This diversity is not altogether the consequence of using random selection. It can be attributed, in the main, to the pre-lottery decision to widen the pool to include all (or a greater number of) citizens or to make the number of citizens selected large enough so

as to reflect the diversity of the pool. What random selection does do, however, is to bring citizens together in new and unexpected combinations and to harness their assorted life experiences and acumen to the tasks of public office. It creates a "richer mix" than if government was dominated by professional politicians or limited to those with similar backgrounds and aspirations. One of the major points made by J.M. Headlam in his study of election by lot in Athens is that there was no professional bureaucracy and no specialist legal profession charged with the interpretation of the law. By means of lot-based institutions, laws were made legible by all citizens and so could be administered by all. Though likely incompatible with the complexity of modern political life, this emphasis on transparency and clarity is surely enviable and remains the high bar to which contemporary legislators should strive.

It has been argued that government bodies selected by lot could be "representative" of the people at large. I would hesitate, however, to suggest that lot should be introduced solely on the grounds that it creates a sample of the population in anything beyond the general sense that more citizens from diverse backgrounds will have greater access to the body politic. A lottery is a random process and will not necessarily produce a grouping that is a miniature, proportionate version of the wider pool in any reliable, exact manner or in a way that might satisfy all minorities in a political rather than in a statistical sense. A citizen selected to political office by lot might become a good representative by seeking the views of his or her constituency and actively voicing them in government, but this is a consequence of his or her actions in office, not the mode of his or her selection. Those advocating lot in order to make government more representative first have to define whether this is to be achieved by virtue of who is selected or by virtue of what those selected might be required to do.

A final point needs to be made about the way a lottery acts as an anonymous call to office within a citizen-wide scheme. I have already mentioned how, from the point of view of the polity as a whole, this unlocks a new diverse human resource and brings it to bear on the problems of government. From a citizen's perspective, certainly from the point of view of those used to being excluded from the political process, the opportunity to contribute to the community is also an opportunity for self-fulfilment. A citizen-wide lottery scheme that draws on all citizens (not only those who volunteer) can encourage people who do not necessarily see themselves in this type of role to engage

positively in their political environment. Because the calling comes from no particular person or party, it is very easy for those selected to see themselves as directly engaged in work for the general good or for the community at large. It makes a much too rare appeal to our sense of civic duty and desire to contribute to the well-being of our society.

By looking at the qualities of the lottery process, therefore, and combining this with an appraisal of how lotteries were used in a number of political contexts, we are able to get some idea of the advantages that the use of sortition could bring to the modern polity. These advantages are not guaranteed by the mere introduction of sortition, however, but with careful and purposeful use and in conjunction with other measures it is clear that its use could go some way to resolving the problems of voter disaffection, the sense of political powerlessness felt by the general population and the dangers to the political process posed by excessive competitive partisanship. The second half of this pamphlet, therefore, deals with some of the problems involved in designing schemes that make good use of sortition. I also make suggestions as to what other measures might be needed to support the modern use of sortition and what type of political environment would help to sustain a politically active citizenry.

# Unnecessary Uses

Earlier I discussed the idea that when the lottery is applied to make a positive virtue of its central and defining feature, the arational blind break, this constituted a good use of sortition. We can call this a “strong” use. We now have to look briefly at some examples in which the opposite happens: when lot is used or advocated but where the task to which it is put does not require or specifically benefit from the use of an arational procedure.

An interviewing panel of, say, four cannot agree on whom to appoint for a particular job. They have two clear front runners and after hours of deliberation cannot come to a satisfactory majority decision. If they decide to settle the issue by tossing a coin, this would, according to my analysis, constitute a weak use of lot: one that does not benefit from the use of arationality. Here, lot is not used because it is arational, but merely because it is expedient. A decision has to be reached rather than no decision. As well, the use of an arational mechanism for this task is incommensurate with the rational process of weighing and balancing qualities that preceded it. A better solution would be to appoint a fifth member of the panel (possibly by lot) to hear the case for both candidates and make a casting vote. This would hardly be ideal but would continue the practice of rational deliberation based on the qualities of merit and suitability that was, we presume, the expectation of the candidates when they attended their interviews in the first place.

A second example is provided by a proposal by William Penn in an early draft for the constitution of Pennsylvania.<sup>3</sup> After elections to the council, he stipulates that one-third of the members should be chosen by lot to relinquish their offices after one year in office. Another third would then be chosen by lot to leave the council after two years’ service. The places of all retiring councillors were to be filled by newly

elected councillors, thus establishing a rotational system. Here, lot is advocated purely as a matter of convenience. There seems to be no reason why this decision should be taken by an arational decision-making mechanism. Elections would have already been held, so there would be no point in using sortition to prevent factional or partisan influence in the process of choice. The decision to remove members by lot, moreover, sits uncomfortably with the fact that citizens have originally expressed their preferences by rational choice. In the final version of the constitution, Penn dropped the scheme and stipulated that three different batches of members were to be elected: one-third for a one-year tenure, one-third for a two-year tenure and one-third for a three-year tenure. This arrangement allowed candidates to decide which time frame best suited their needs and allowed voters to choose who they would rather see holding which post.

A third, more complex and controversial example is provided where the application or task for which lot is used contains within its remit a hidden expectation that some sort of proportional outcome will be achieved. As part of a power-sharing arrangement, a parliament that is split 40-60 between two parties chooses a committee of five by lot. Now, if those proposing the scheme did so in order that the ratio between the parties should be reflected in the makeup of the committee, this could rank as a weak use. This task does not need an arational mechanism and would benefit from using a proportionate (three from one party, two from the other) rather than a random solution. If the aim was to give the minority party the occasional chance of a committee majority or of greater influence on the committee, then this would be better served by rotating the chair or by selecting an extra member of the committee from the whole parliament by lot. The difficulty in this example is tied in with the idea that a random procedure will produce a proportionate result in accordance with probability theory – more specifically the law of large numbers. According to this law, the makeup of the committees would reflect the proportion of the parties when averaged out over a large number of draws. This consideration might, indeed, encourage the minority party to accept the scheme. My claim, however, is that lotteries are used to their best advantage when they deliver short-term uncertainty rather than when they suggest a proportionate outcome might be available in the longer term. If proportion is required, a scheme based on reason and ratio is likely to prove more successful.

This example brings us to the important issue of weighted lotteries. The simplest forms of weighted lottery are, as the term implies, a coin that has one side heavier than the other, or dice that are “loaded” so they fall on one face more frequently than the others. In the scenario of names, tickets or balls drawn from a bag, a weighted lottery can be understood as a situation in which the pool is split into several groups and the outcome assessed in terms of those groups. If three black and two white balls are placed in a bag and one is drawn out randomly, the lottery works as a weighted lottery if the main question is not which individual ball is chosen but what colour it is. My example of the parliamentary committee falls into this category. If the choice is made by lottery from the whole parliament, the lottery is weighted in favour of the majority party in the ratio 6:4. Now if the majority party wanted to increase its chances of controlling the committee over a period of time, it would have to try to win more seats or bring more members of the other party over to its side. This begins to erode the unpredictability of the lottery element and means that the outcome can, to some extent, become predictable. This was precisely the tactics of the Medici in Florence during the early years of the fifteenth century. As they brought more and more Florentine families under their control, the lottery scheme for distributing power between the families became more and more predictable and less and less effective. The relatively small pool of citizens involved in the scheme helped this tactic to succeed.

This indicates that the unpredictability of a lottery can be compromised by the formation of groups within the lottery pool. Thus a lottery among individuals can easily become a weighted lottery if the participants, or options, become defined in terms of groups. More importantly, it suggests that for a lottery to remain uncorrupted, and for the blind break to continue to do its work, a large pool of independent citizens is preferable to a small group who, if not initially belonging to any party, can easily become incorporated into competing groups.

These examples alert us to the need to combine the rational sections of any lottery scheme with the arational element of the lottery in a complementary manner. In other words, the arationality of the lottery is best used positively for tasks in which this quality would be of value, and rational or ratio-based solutions should be used when these would be more appropriate. To understand how this can operate, it would be useful to look at some proposals for citizen-wide lottery schemes.

# Developing the Civic-Lot: Machiavelli and Lesueur

In 1520, the much quoted and often misrepresented political adviser Niccolo Machiavelli produced a draft constitution for Florence that he sent to Giovanni de Medici in the hope it would find favour.<sup>4</sup> It was a scheme that sought to combine the notion of a politically active citizenry with the idea that the government of a city is best carried out by those with knowledge, experience and permanent commitment. A Grand Council of between 600 and 1,000 was to be selected by lot from the general citizenry on a rotational scheme. From this grouping, all minor officers would be selected by lot. The Council would elect a Senate of 200 by preference vote and a group of 16 known as the Gonfalonieri, or standard-bearers. The pool for the executive body, however, was to be made up of 65 members appointed for life. One of these would be elected every three or four years as the Gonfalonier, or head of state. The other 64 were to be divided into two groups of 32, each of which would act as the main governing group for one year at a time. The practical running of the state was then delegated to groups of eight from this body who would hold office for three months at a time as a ruling executive body, or Signoria. To link these two systems – those appointed for life and those selected to and by the Grand Council – Machiavelli proposed that four Provosts on the Roman model were to be selected by lot from the 16 Gonfalonieri every month. These officers would attend the meetings of the Signoria and would be entitled to ask that any issue arising within that group be taken, on appeal, first to the 32, then to the Senate and from there to the Grand Council. The aim of what was effectively a veto was to ensure no question concerning the general good of the polity should be put into practice without a level of oversight that was constitutionally linked to the major popular organs of government.

From our point of view, this scheme is a valuable example of how

lot, appointment and election can be used to complement one another within the same constitution. Lot is used at the entry level of citizens into the body politic and is so organized to make entry into the pool dependent on no other criteria save that of citizenship. Sortition for the minor offices allows the Council member to gain experience and develop a level of hands-on responsibility without having to rely on winning a competitive election. Elections for the Senate and Gonfalonieri, however, would allow candidates with perceived ability to take some of the more important political roles. The role of the Provosts is critical to the balance of the whole constitution. While they had no deliberative function, they were to act as witnesses to the executive on behalf of the wider body politic and thus of the wider citizenry. The aim was to ensure that the appointees for life continued to act for the city as a whole and not in their own interest. The use of sortition for the office of Provost was a means of preventing bribery, patronage or intrigue from dominating their selection. They were, to this extent, to be seen as the impartial servants of the polity.

In September 1792, during the political upheavals of the French Revolution, a constitutional proposal was presented to the National Convention by one Theodore Lesueur.<sup>5</sup> There was nothing unusual about this occurrence, such proposals were common during this time. From the point of view of how sortition could be integrated with preference voting, this proposal is of considerable interest. The basic unit of the constitution was the electoral district of 1,000 citizens. From these citizens, 100 people would be drawn by lot every year to become what the author calls a “Civic Century.” The Civic Century would then provide a pool from which all local officers and some members of higher political bodies would be elected. This would either be by direct election or by a Venetian-style combination of lot and election in which nominators were first selected by lot and a secret ballot then held to decide between those nominated. Groups of 25 Civic Centuries would then form Tribes, and there was an additional governmental layer of 101 “Circles.” The Circle Council – made up of officers from the Civic Centuries and judicial officers – would constitute the electorate for members of the National Legislature and the National Executive. Candidates for these bodies were to be subject to a quota restriction. Of the 12 members of the National Legislative Council, only four could come from the higher economic class, and candidacy for the one Executive member from each Circle was limited to those from the

lower economic grouping (known as the *minus possidentes*).

What is interesting about this scheme is the way that, as with Machiavelli's scheme, the entry level to the political body is by lot, and the higher officers are then filled by preference election. While the author of the constitution does not specify whether membership of the Civic Century is a voluntary or compulsory duty, it seems highly likely, given the organizational system as a whole, that all citizens would have to be prepared to serve. It is difficult to say whether these schemes could have worked in practice, or whether they would have had to be substantially amended as their defects became known. Nonetheless, they provide us with some idea of the possible structure and form of what I would call a "Citizen lot-polity." I use this term to differentiate this type of arrangement firstly from a state, where a bureaucracy and centralized military apparatus holds power, and secondly from polities, where lot is used but not in a way that draws on the entire citizen population. It is also worth reflecting that at the time of their (respective) presentations, these civic lottery schemes would have been thought of as no less experimental than the idea of a polity dominated by universal franchise elections and political parties.

# Civic Lotteries and the Modern Polity

An important question is raised: Just how easy and how appropriate would it be to introduce a constitution similar to those suggested by Machiavelli or Lesueur in modern conditions? There are a number of responses. The first argument might run along the lines that lot polities were a product of the small city state of the Renaissance or antiquity and are wholly inappropriate to today's complex and densely populated nation states. Another argument is that both the Athenians and the Florentines took more than 200 years to develop their political systems and we have nowhere near that amount of political experience of using sortition. The introduction of civic lotteries according to this argument requires such a complete change in political consciousness as to render it almost unachievable in current circumstances.

My first response to both these arguments is to stress how sortition was reborn in late medieval Italy not because the communal governments had any idea of what happened in Athens, but rather because it solved some of the problems of political consolidation and factionalism they were grappling with. If civic lotteries seem to be the answer to some of the problems we are facing with our current forms of government, then surely there should be no obstacle to giving it our serious consideration. My second response is to point out how some of the political institutions and ways of looking at politics that we have developed, mainly in liberal democracies, could actually facilitate the relatively speedy reintroduction of sortition.

To begin with, we have the experience of the jury system. Most would agree that the jury is probably the best means invented of ensuring criminal justice was both fair and based on the community – not to mention its role as a bulwark in the protection of the citizen against the excesses of the state. The jury is ongoing proof that a lot-based system can gain the long-term trust of the citizenry at large and that citizens

take their civic responsibilities seriously. Our one remaining example of sortition has actually been a resounding success.

The next important point is that the liberal democratic governments of the twenty-first century put a high value on open government and freedom of political expression. First, this means that new constitutional proposals, such as the use of civic lotteries, can be put forward and debated within an open public arena and thus can attract valuable praise or criticism from a variety of sources. Second, while sortition can help ensure the independence of the citizenry in the circumstances of their selection, the traditions of open government and freedom of expression can then help guarantee their freedom and independence once they hold office. Third, it means that civic lotteries can operate in a general environment of healthy political debate. Greater citizen participation in government and experience of government would seem to be a natural extension of this existing situation. It is also worth mentioning that regimes moving toward greater political openness and a relaxation of the reins of political control by the select few could find sortition to be a valuable means of achieving this without opening the door to factional instability.

Public education is another factor that could help civic lotteries find a natural home in today's developed liberal democracies. In this respect, our capacity for developing a positive ethos of citizenry far outweighs those of ancient Athens or Renaissance Florence. The ability of citizens to perform well in public office could obviously be enhanced by good civic education. Moreover, the fact that in some schemes any citizen might be selected by lot to hold public office would put a significantly higher onus on the educational providers to make their courses in citizenship relevant, accessible to all and of a universally high standard.

A further indication of the relevance of civic lotteries to the modern polity can be found in the relationship between taxation and public spending. There is a sense in which the citizen already has a stake in government for the simple reason that all government operations are financed by taxation. It is our money. Since the citizen is at once the financier and the consumer of public services, this relationship can only be enhanced by greater direct citizen involvement in the management of public spending. As we have seen, sortition enables the citizen to take on some level of ownership of the political process. Now we can also see it as adding a missing political element to the way the public econ-

omy is run. At a more local level, a scheme that used lot to select citizens to, say, a regional health board or a public transport committee would strike a blow against the culture of personal appointments and interlocking favours that can too easily come to dominate this sector of the public domain. We're a distance from rallying citizens with the cry "No taxation without sortition," but the principle holds and could well be the basis for re-energizing the public domain.

These are some of the reasons why civic lotteries can be seen as a natural and relatively easy step for a developed liberal democracy to take. Against this it could be argued that we have grown used to delegating political responsibility to professional politicians while we get on with our essentially private concerns. Perhaps we are not ready for this level of political participation and it might be a long time coming. My feeling is that if the values of projected civic lottery schemes have to be repeatedly demonstrated by pilot schemes and in-depth analysis to persuade the apathetic doubters, this would be no bad thing. It would help us to design better schemes and to think through the full implications of their introduction.



# Principles for Designing Civic Lotteries

The final section of this pamphlet deals with the design of good civic lottery schemes for citizen participation in government. Here, I advance 11 specific criteria or guidelines based around my earlier arguments and explore some of the ways each could have an impact on the design and possible introduction of such schemes.

- 1 Sortition should be used to make a positive virtue of its arational blind break. This ensures that a lottery, rather than some other form of selection, is what is really required.

This tops the list simply because those who draw up lottery schemes should have a clear political purpose for doing so. They should be sufficiently aware of the qualities and characteristics of the lottery to ensure this choice of mechanism is the right one for that expressed purpose. Not to do so is to risk serious failure; a lottery is a powerful tool, but it can also have powerful adverse effects.

Perhaps the most serious miscalculation in this respect is the decision made by the French in 1795 to rotate the six-man executive that had been elected by the National Convention.<sup>6</sup> To do this, they specified that one member would be selected by lot to leave his office every year. A newly elected member would then take his place. In the post-Terror environment, the government needed to be understood as impartial, and this was possibly the rationale for the introduction of this scheme. Unfortunately, the situation in 1795 also needed strong government and reliable institutions. Removing key individuals from office by chance did not help. As in my example from Pennsylvania, there was no real reason to use lot for this task. A series of six votes, one for each length of office (for one year, two years, three years, and so on), would have

served the same purpose in a manner that better reflected the judgment of the Convention.

- 2 Sortition should be used in a context commensurate with its capacity for inhibiting partisan power and promoting independence. Citizens selected by lot should serve in office as independent citizens dedicated to the general good of the state or polis. They should not be, or remain, members of a political party, organization or lobby group while they hold office. The tasks of office should be organized so citizens are free and able to exercise their own judgment.

All officers selected by lot are selected in a manner free of partisan influence. It would contradict this potential, this particular quality that the lottery brings to the selection process, if those selected merely acted as political agents for existing political parties, either because they belonged to a party or because they were approached by a party to do their bidding. One major reason for using civic lotteries is to bring a diverse range of citizens into the body politic. That diversity would be compromised if those selected merely followed party lines when they voted. While sortition can ensure independence of selection, the demands and requirements of the office in question have to be used to help maintain and encourage independence of judgment. One of the best schemes that specified an independent role for randomly selected citizens was advanced by Anthony Barnett and Peter Carty in 1998. This was a proposal to select a large proportion of the U.K. Second Chamber (The House of Lords) by sortition. Those selected would have the role of supervising legislation initiated in the Commons. This arrangement was seen as a means of retaining the “independent element” of the Hereditary Peers, who were due to be phased out and replaced by appointed or elected members.

- 3 The decisions and recommendations made by citizen officers should pertain directly to some course of action to be made by the government. Their status should be esteemed by the public and existing political institutions and actors.

I have included this for a very important reason. My discussion on the political value of sortition revolves around the idea of access to office. If citizens are selected by lot but have no power to

decide or make a persuasive recommendation that carries considerable moral force upon any issue of government, then the division between the largely passive voting citizen and the professional political caste remains but merely takes on a different form. Public consultation (even for the best reasons) without a clearly defined role and status risks fuelling popular skepticism of such exercises as a branch of partisan politicking – a giant focus group designed to ensure government is “on message,” or a means by which unpopular measures can be made to sound acceptable.

- 4 Civic lottery systems for selecting and employing citizen officers should be designed to complement existing electoral processes and should not undermine or contradict their results or processes.

At the start of this pamphlet, I described what I called the “Citizen’s Dilemma.” The citizen recognizes the constitutional value of the act of voting but is, at the same time, acutely aware of how his or her vote is often inadequate to convey his or her real interests and priorities. In suggesting that civic lotteries should be reintroduced in order that citizens should have a greater opportunity to participate in the political process, I do not propose that electoral politics should be replaced by sortition. What I do propose is that civic lotteries be used to bridge the gap between citizens and government. This would enhance the electoral process and help to place the political parties in a proper and useful constitutional context. The mere presence of impartial citizen participants in key political institutions can help to make those institutions more transparent and more responsive. Repeated across a range of local and national organs of government, this process can begin to focus public attention on the true substance and true difficulties of political decision making. Again, this can only help the electoral process.

We have little experience of civic lotteries, but we have considerable experience of electoral democracy as a means of creating government by consent and giving government the mandate to govern. These functions are vital to the way our institutions and political expectations are understood. Civic lotteries should be seen as a means of enhancing what we have rather than replacing it.

- 5 The lotteries used to select citizen officers should be held in a public and transparent fashion to guarantee their procedural fairness.

While this measure is almost self-explanatory, sortition is valuable because it is demonstrably impartial. This, however, requires that it should not only be fair, but should be seen to be fair. It is the necessary assurance, if you like, that those selected belong to nobody and, by the same token, the polity itself belongs to everybody.

- 6 Citizen officers should only be selected randomly to hold office temporarily as part of rotational systems. Within the design of systems, there should, however, be ways in which the experience and knowledge gained in office can be passed on to others or can be used in other parts of the polity.

Historically the process of sortition is linked with the concept of temporary office. It is inconceivable without it. Both are ways in which the power of individuals within the body politic can be tempered by a more shifting, less concentrated power structure – in this case provided by the diversity of the citizen body itself. The loss of experienced citizens by rotation is made up for by the fact that more citizens can participate. At the same time, it is important that those who have more to give have opportunities to do so without compromising the principle of temporary office.

- 7 Civic lottery schemes should be designed so that positive working links can be maintained between the officers and the citizen body or constituency from which they were drawn.

Without this provision, those drawn from the citizen body to hold public office could become disconnected with the larger citizen body. To ensure the possible gap between the citizen body and the body politic is bridged in more ways than one, positive links should be put into place. These might take the form of regular open meetings or the maintenance of an information website on the affairs of the office, board or council in question. It has to be recognized, however, that some official civic lottery offices might require that the office-holder remain out of the public eye. As with jury service, anonymity might be the order of the day so as to protect the individuals concerned and the institution as a whole. Hypothetically, we can imagine that citizen members fulfilling an oversight function for armed forces or security bodies would be subject to this provision.



- 8 Extensive opportunities for learning should always accompany a civic lottery process.

Direct attention should be given to this both in the form of political education among the general citizenry and in the creation of special courses or arrangements for those selected for office or wishing to put their names forward. The most likely way that civic lotteries might gain popular acceptance would be if they were the subject of numerous pilot schemes. It took the Athenians about 200 years to perfect their system; we have to recognize how much can only be understood in practice.

- 9 All citizens should be paid for their service in office. They should have the right to return to the employment they held when selected.

One of the key benefits of the Athenian system, according to Pericles, was that no one was excluded from office by poverty. Payment for office is therefore an essential condition if this principle is to be upheld. Tax breaks on returning to work could be a means by which further incentives could be added. When the cost of introducing widespread civic lotteries is raised, it immediately sharpens the way we debate their value. It also sharpens our awareness of the sacrifices made by citizen volunteers in the performance of civic duty in current conditions. If the introduction of civic lotteries schemes for citizen participation is a decision made by citizens and their elected representatives, the balance between cost and benefit can be safely left to the due process of democratic self-government.

- 10 The relative merits of voluntary and compulsory schemes should be considered when designing civic lotteries.

Citizens can be selected by lot and then required to fill specific posts, or selections can be made from among those putting themselves forward for particular offices. Alternatively, a pool of citizens can first be selected from the general citizenry; citizens in that pool could then be offered a choice between offices that involve different levels of commitment. For countries that have schemes of social or military conscription, the idea of public service is more fully developed than where citizens have no such regular obligations to the

state. This would suggest that in some circumstances it would be easier to introduce compulsory schemes than in others. At the same time it should be noted that those who put themselves forward for civic or public work are likely to do that work well.

- 11 Selection procedures and the terms of office should be commensurate with the aim of promoting and defending open government and freedom of political expression. I have dealt with this point earlier, but it suffices to say that if citizens cannot express their ideas freely and openly, then any attempt to reap the benefits of greater citizen participation will flounder. While sortition can help to break up concentrations of power within the political apparatus, if powerful groups in other sectors of the polity exist, those selected could still be subject to the pressures to follow the party or state line. The aim of open government and the use of sortition to select public officers and assemblies are natural companions; they both contribute to the same ends of political freedom and good government.

This excursion into some of the principles that can inform the design of civic lottery schemes has enabled us to envisage some of the potential difficulties and advantages of bringing citizens into the body politic by this method. What is more important – and central to the theme of this pamphlet – is that they enable us to transcend the limitations of the present to see how elements within the political system could be operated by the citizen body for the benefit of the citizen body. It is this reciprocal relationship that lies at the heart of the view I have put forward. In central place is the fact that a lottery excludes relationships of political power (and those seeking that power) from the process of selecting public officers. It is this that gives the ownership of the political process back to the citizenry at large. To take that process back fully, however, requires commitment, responsibility, integrity and common sense.

If we categorize the lottery as a human invention, we should also categorize politics in this way. There is no once-and-for-all solution to how we run our affairs, nor is the right to amend, to change or to improve only held by the few or those (temporarily) holding the levers of power. What I hope to have shown is one particular way that citizens can take greater ownership and control of what is rightly theirs.

## Acknowledgments

I was first introduced to the subject of sortition by Dr. Keith Nilsen of the Labour Committee for Democratic Accountability of the Secret Services, whose proposal for randomly selected monitors for secret services, made at the British Labour Party Conference in 1994, alerted me to the anti-factional potential of lot. His subsequent founding of the Society for Democracy Including Random Selection further developed my interest in, and understanding of, the potential of this mechanism. I would also like to thank Peter MacLeod of MASS LBP for asking me to write this pamphlet, and Michael MacKenzie for his hard work and helpful suggestions that made this pamphlet possible.

## Endnotes

- 1 The most useful modern account of Athenian constitutional structures can be found in Hansen, M.H. (1999). *Athenian Democracy in the Age of Demosthenes*. Bristol Classical. On the use of lot, see Headlam, J.W. (1933). *Election by Lot at Athens*. Cambridge University Press (1st ed., 1891).
- 2 For an account of the Florentine electoral system, see Najemy, J.M. (1982). *Corporatism and Consensus in Florentine Electoral Politics, 1280–1400*. Chapel Hill: University of North Carolina Press. For the republican movement of 1465–6, see Rubinstein, N. (1966). *The Government of Florence under the Medici, 1434–1494*. Oxford: Clarendon.
- 3 Details of this proposal can be found in Penn, William. (1982). *The Papers of William Penn*. Eds. Dunn, R., Dunn, M.M. University of Pennsylvania Press. Vol. 2, p. 145, VII; and p. 165.
- 4 See Machiavelli, Niccolo. (1989). *Machiavelli – The Chief Works and Others*. Trans. Gilbert, A. Durham and London: Duke University Press, p. 111–12.
- 5 See Lesueur, Théodore. (1932). *A French Draft Constitution of 1792. Modelled on James Harrington's Oceana*. Eds. and intro. Liljergen, S. B. Lund: C.W. K Gleerup. Oxford University Press.
- 6 See Stewart, J.H. (1951). *A Documentary Survey of the French Revolution*. New York: Macmillan and Sydenman, M.J. (1974). *The First French Republic 1792–1804*. London: B.T. Batsford.

## Further Reading

The publication of this pamphlet coincides with a new series on sortition and public policy brought out by Imprint Academic. This includes my own monograph, *The Political Potential of Sortition*, which I would recommend primarily on the grounds that it provides detailed argument and examples based around the particular viewpoint expressed in this pamphlet. Imprint has also reprinted *Of the Nature and Use of Lot* by Thomas Gataker, a leading classical scholar of the seventeenth century. Keith Sutherland's *The Party's Over* and Barbara Goodwin's *Justice by Lottery* also form part of the series, as does a reprint of Barnett and Carty's original Demos pamphlet on the House of Lords reform. For an account of contemporary interest in the subject, see *Random Selection in Politics* by L. Carson and B. Martin, and for an historical account of the relationship of sortition to representative democracy, see Bernard Manin's *The Principles of Representative Government*. The best work on ancient Athens is still J.W. Headlam's *Election by Lot at Athens*; the Florentine system is best described by J.M. Najemy's *Corporatism and Consensus in Florentine Electoral Politics, 1280–1400*. A selected bibliography is included on the next page.

## Selected Bibliography

- Amar, A.R. (1984). "Choosing representatives by lottery voting." *Yale Law Journal*. Vol. 93, no. 7.
- Aristotle. (1946). *Politics*. Trans. Barker, E. Oxford: Clarendon.
- Aristotle. (1986). *The Athenian Constitution*. Trans. Moore, J.M. In *Aristotle and Xenophon on Democracy and Oligarchy*. Berkeley: University of California Press.
- Barber, B.R. (1984). *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press.
- Broome, J. (1984). "Selecting People Randomly." *Ethics* 95 (October): 38–55.
- Burnheim, J. (1985). *Is Democracy Possible? The Alternative to Electoral Politics*. London: Polity Press.
- Callenbach, E., Phillips, M.A. (2008). *A Citizen Legislature*. Exeter: Imprint Academic.
- Carson, L., Martin, B. (1999). *Random Selection in Politics*. Westport, Conn., London: Praeger.
- Chaitin, G.J. (2001). *Exploring Randomness*. London: Springer.
- Coote, A., Stewart, J., Kendall, E. (1997). *Citizens' Juries*. Institute of Public Policy Research.
- Crosby, N., Kelly, J., Schaefer, P. (1986). "Citizen's Panels – a new approach to Citizen Participation." *Public Administration Review* 46.
- Dienel, P.C., Renn, O. (1995). "Planning Cells: A Gate to 'Fractal' Mediation." In Renn, O., Webler, T., Weidemann, P. *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse*. Dordrecht, Netherlands: Kluwer.
- Dow, S. (1939). "Aristotle, the Kleroteria, and the Courts." *Harvard Studies in Philology* 50.
- Dowlen, O. (2008) *The Political Potential of Sortition: a study of the random selection of citizens for public office*. Exeter: Imprint Academic.
- Duxbury, N. (1999). *Random Justice – on Lotteries and Legal Decision-Making*. Oxford: Clarendon.
- Eckhoff, T. (1989). "Lotteries in allocative situations." *Social Science Information*. Vol. 28, no. 1 (March).
- Elster, J. (1989). *Solomonic Judgements*. Cambridge University Press.
- Engelstad, F. (1988). "The Assignment of Political Office by Lot." *Social Science Information* 28: 1n (March): 23–50.
- Gataker, T. (1627). *Of the Nature and Use of Lots: a treatise historical and theological*. London: John Haviland. First published 1619.
- Gobert, J. (1997). *Justice, Democracy and the Jury*. Aldershot: Dartmouth.
- Goodwin, B. (2005). *Justice by Lottery*. Exeter: Imprint Academic.
- Greely, H. (1977). "The equality of allocation by lot." *Harvard Civil Rights – Civil Liberties Review* 12: 113–41.
- Guicciardini, Francesco. (1932). "Del modo di eleggere gli uffici nel Consigli Grande." In *Dialogo e discorsi del Reggimento di Firenze*. A cura di R. Palmarocchi. Bari Laterza.
- Hacking, I. (1988). "Telepathy: Origins of Randomness in experimental design." *Isis* 79.
- Hacking, I. (1990). *The Taming of Chance*. Cambridge University Press.
- Harrington, James. (1977). *The Political Works of James Harrington*. Ed. Pocock, J.G.A. Cambridge University Press.
- Harrington, James. (1992). *The Commonwealth of Oceana and A System of Politics*. Ed. Pocock, J.G.A. Cambridge University Press.
- Hansen, M.H. (1999). *Athenian Democracy in the Age of Demosthenes*. Bristol Classical (1st ed., 1991).
- Headlam, J.W. (1933). *Election by Lot at Athens*. Cambridge University Press (1st ed., 1891).
- Hofstee, W.K.B. (1989). "Allocation by Lot: a conceptual and empirical analysis." *Social Science Information*.
- Mulgan, R. (1984). "Lot as a democratic device." *Review of Politics* 46:4.
- Najemy, J.M. (1982). *Corporatism and Consensus in Florentine Electoral Politics, 1280–1400*. Chapel Hill: University of North Carolina Press.
- Pateman, C. (1970). *Participation and Democratic Theory*. Cambridge University Press.
- Rubinstein, N. (1966). *The Government of Florence under the Medici, 1434–1494*. Oxford: Clarendon.
- Sher, G. (1980). "What Makes a Lottery Fair?" *Nous* 14.
- Staveley, E.S. (1972). *Greek and Roman Voting and Elections*. Cornell University Press.
- Stone, P. (2007). "Why Lotteries Are Just." *Journal of Political Philosophy* 15, no. 3: 276–295.
- Stone, P. (2007b). "Conceptualizing Lotteries." Working Paper No. 16, Political Concepts: A Working Paper Series of the Committee on Concepts and Methods, International Political Science Association. September 2007.
- Sutherland, K. (2004). *The Party's Over*. Exeter: Imprint Academic.
- Warren, Mark E. (2008). "Citizen Representatives." In *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. Cambridge University Press.
- Wolfson, A.M. (1899). "Forms of Voting in the Italian Communes." *American Historical Review*. Vol. V, no.1, October 1899, pp.1–22.

## About the Author

Educated as a visual artist, Oliver Dowlen became seriously involved in practical and community politics during the 1980s and 1990s. In 1999, he completed a part-time M.Phil., in which he investigated Marx's concept of alienation. In 2002–06, he took a full-time doctorate at New College, Oxford. His thesis, on the political potential of sortition, won the Sir Ernest Barker Prize for best thesis in political theory 2006–07. It has recently been published as a monograph by Imprint Academic. Oliver lives and works in Hertfordshire in the United Kingdom.

